



PRIVATE LIBRARY

—OF—

John R. Harmon,

—OF—

MT. CARMEL, ILL'S.

No.....

8

"Learning in youth is wisdom in age."

ASSOCIATION

Illinois

(L.'s Legis.  
Career)

(see L.Lore  
1483 #5)

LINCOLN NATIONAL  
LIFE FOUNDATION

cl. 375

m  
and  
J.L.







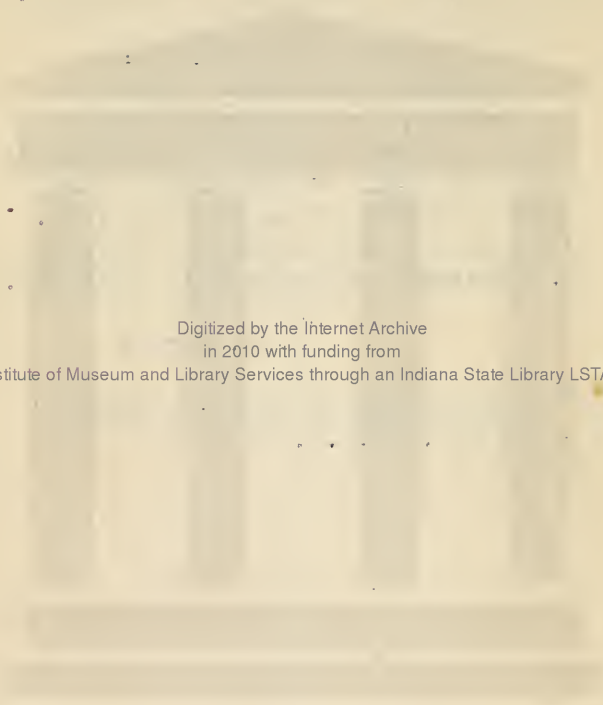
ILLINOIS SESSION LAWS  
1838-9

Many of the law books used by Abraham Lincoln have been preserved and are now treasured in the various collections of Lincolniana throughout the country.

In a group of law books used to illustrate the book, "Lincoln the Lawyer," by Frederick Trevor Hill, is shown a copy of the Session Laws for 1841, at one time in the office library of Logan & Lincoln. This copy is now owned by William H. Townsend, of Lexington, Kentucky.

H. E. Barker

Undoubtedly he used the issue of 1838-9. (L.A.W.)



Digitized by the Internet Archive  
in 2010 with funding from

The Institute of Museum and Library Services through an Indiana State Library LSTA Grant





L A W S

*Wm. H. Harrison*  
OF *Wm. H. Harrison*  
*Ill.*

THE STATE OF ILLINOIS,

PASSED BY

THE ELEVENTH GENERAL ASSEMBLY

AT

Their Session began and held at Vandalia, on the third of December, one thousand eight hundred and thirty-eight.

---

PUBLISHED IN PURSUANCE OF LAW.

---

VANDALIA:

WILLIAM WALTERS, Public Printer.

1839.

Wm. H. Brown  
Wm. H. Brown  
Wm. H. Brown

mg 5353  
JKS 707 1839

# L A W S .

## AN ACT concerning the Public Revenue.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all lands, tenements and hereditaments, situated in this State, claimed by individuals, or bodies politic or corporate, except such lands as may be owned by societies or corporations for the purposes of burying ground, church grounds, and grounds for the use of literary institutions, not to exceed ten acres, whether by deed, entry, patent, grant, bond for conveyance, or otherwise, except lands belonging to the United States, or this State, and such other lands as are exempted from taxation by the terms of the compact between this State and the United States, are hereby declared subject to taxation; also, the following personal property, viz: stud horses, asses, jinnies, mules, horses, mares, cattle, slaves, and servants of color, clocks, watches, carriages, wagons, carts, money actually loaned, stock in trade, and all other description of personal property, of the stock of incorporated companies; and for the purpose of equalizing the taxes, so that every person shall pay a tax in proportion to the value of the property he or she has in his or her possession, the aforesaid property declared subject to taxation shall be valued according to the true value thereof, as hereinafter directed.

Real estate declared subject to taxation.

Also personal property.

SEC. 2. The Auditor is hereby required to obtain from the several land offices of the United States and of this State, at which lands lying within this State are sold, abstracts containing a description of all lands sold at each office, the dates of sale, and the names of purchasers; also, maps of the several land districts, where such abstracts and maps have not already been procured, and abstracts containing a description of all lands relinquished to the United States.

Auditor to obtain from land offices abstracts of land sold.

SEC. 3. The Auditor shall cause to be made for each county, in a well-bound book, a description of every tract of land within such county subject to taxation, showing the date of sale of each tract, and the name of the purchaser, having sufficient space between the lines to insert the description of a sub-division of every tract; the tract shall be arranged ac-

Auditor to make for each county, a description of each tract subject to taxation.



Also to include in said list all school land sold.

List to be delivered by 1st April next.

List to be subject to inspection.

List to be furnished annually thereafter.

County commissioners' court to appoint assessors.

Duty of assessors.

Duty of county clerk.

Assessor to provide a book to take list of property.

cording to situation, beginning with the lowest number of township, range, and section; the Auditor shall include in said list and abstract all lands sold under the authority of the State, which have been granted to the State for school, seminary, canal, saline, or other purposes: *Provided*, That it shall not be necessary for the Auditor to furnish any abstract of lands to any county heretofore supplied with the same.

SEC. 4. The Auditor shall cause to be delivered to the clerk of the county commissioners' court of the several counties containing taxable lands, a book made and compiled according to the provisions of the preceding section of this act, on or before the first day of April next; which book shall be kept and preserved by the said clerks, subject to the inspection of any person who may wish to examine the same. When a book shall have been furnished as aforesaid, the Auditor shall annually thereafter transmit to the said clerks, on or before the first day of March, a list and abstract of all lands which may have become subject to taxation within the preceding year; which list and abstract shall be copied by the clerks in the books furnished by the Auditor, and the original list and abstract shall be filed and preserved.

SEC. 5. At their March term annually, or so soon thereafter as may be, the county commissioners' courts of the several counties in this State shall appoint one or more competent persons in each county, not exceeding one for each justice's district, as assessors, whose duty it shall be to take lists of the taxable property, and assess the value thereof, within the district designated in the order of appointment; each assessor, before entering upon the duties of his appointment, shall take and subscribe an oath or affirmation, as follows: I, A. B., do solemnly swear (or affirm) that I will faithfully and impartially perform the duties required of me as assessor of taxable property in the county of \_\_\_\_\_ according to the best of my skill and judgment: the court shall designate, in the order of appointment, the district in which each assessor shall act.

SEC. 6. Within fifteen days after the appointment of assessors in any county, the clerk of the county commissioners' court shall cause to be delivered to each assessor of his county a copy of the order of appointment, and a transcript from the book received by him from the Auditor, containing a list and description of all taxable lands lying within the district of said assessor, with the names of the purchasers from the United States, or this State, and of the present owners, when the same are known.

SEC. 7. Every assessor, upon being notified of his appointment as aforesaid, shall provide a book in which to take down the list of taxable property within his district, the names of the owners, and the value of the property; which book shall be ruled and headed in the following form, viz:

*List of property in the \_\_\_\_\_ district, in the \_\_\_\_\_ county of \_\_\_\_\_ with the names of the owners, and the value of the property, assessed by A. B. for the year 18 \_\_\_\_.*

Value of taxable property, except lands.	
Value of stock.	
Stock in incorporated companies.	
Money actually loaned.	
Retail stores.	
Wholesale stores.	
Carts.	
Wagons.	
Carriages.	
Watches.	
Clocks.	
Slaves and servants of color.	
Cattle.	
Horses and mares.	
Mules.	
Jimmies.	
Asses.	
Stud horses.	
Value of all other kinds of personal property not enumerated.	
Total value of land.	
Value of land per acre.	
Description of land.	
Acres of land.	
Town lots.	
Names of persons chargeable with tax.	

SEC. 8. It shall be the duty of each assessor to proceed without delay, after being furnished with a list of taxable lands lying within his district, to take a list of taxable lands and town lots, and all other taxable property within his district; he shall call at the place of residence of each owner of taxable property for a list of the same; and it shall be the duty of each and every person, when called on or applied to by the assessor, to deliver to such assessor a list and description of all lands, town lots, and other property in his or her possession, subject to taxation; and the assessor shall, in the presence of such person, list the same in his book, and value

Assessor to take a list of taxable property.

Assessor to value property.

Oath of property holder.

the same according to the true value thereof, placing the description and the value in figures, opposite the names of the owner or person listing the same, in the columns of the book marked for that purpose. Lands and lots shall be valued according to their true value, without regard to the kind and character of title, or to any conflicting claims to the same; and to enable assessors more effectually to discharge the duties required of them, they are authorized to administer an oath or affirmation to every person listing taxable property, in words following. "You do solemnly swear (or affirm) that you will true and distinct answers make to all such questions as may be propounded to you on the present occasion, touching the quantity and description of taxable property now possessed or owned by you." If any assessor shall be unable to find the owner of any lands or lots contained in the list furnished him by the clerk, he shall value the same according to the best information that he can obtain, and shall enter the same on his list in the name of the patentee or present owner, if known: *Provided*, The assessor shall not be required to enumerate any other kind of personal property in said list than is enumerated in the first section of this act, but shall ascertain the aggregate value thereof, and shall set down the same in said list.

Assessor to value property in the absence of owner.

SEC. 9. In case any person shall be absent from his or her place of residence at the time the assessor calls to receive a list of taxable property, the assessor shall proceed to list the taxable property of such person according to the best information which he can obtain; he shall also leave a written notice at such person's place of residence, with some member of the family above the age of twelve years, requiring such person to attend at a time and place in the district specified in the notice, and furnish a list of his or her taxable property, and stating also in the notice, that, unless the person shall attend at the time and place fixed as aforesaid, he or she will be charged with the tax upon the property as listed by the assessor; and every person attending pursuant to such notice shall furnish a list of his or her taxable property, which shall be set down and charged as though the list had been furnished in the first instance; and every person failing to attend as aforesaid shall be charged with taxes upon the property as listed by the assessor.

So in case of refusal of owner.

Penalty for refusal.

SEC. 10. If any person shall refuse to deliver to any assessor, when called on for that purpose, a list of his or her taxable property as required by law, the assessor shall list the property of such person from the best information which he can obtain; and such person shall for such refusal be liable to a penalty of fifty dollars; which may be sued for in an action of debt, in the name of the county in which such person resides at the time of such refusal, before any justice of the peace, or the circuit court of any county in the State: the penalty, when collected, shall be paid into the county treasury; and it is hereby required of each assessor to furnish the



treasurer of his county with the names of all persons who may have refused to furnish lists of their taxable property as aforesaid, and the county treasurers are required to prosecute all such persons in the manner herein required, and assessors shall be competent witnesses in all such prosecution: *Provided*, That nothing in this act, or in the foregoing section, shall be construed so as to require any person or persons to list lands with the assessor, unless he or she has a clear and undisputed title to the same; but in all such cases the land shall be listed by the assessor in the name of the person to whom it is patented, or in the name it was entered: *And provided, also*, That persons owning lands may list the same in sections, half sections, or other legal sub-divisions, notwithstanding they may have been purchased in smaller tracts.

Their names to be furnished to county treasurer.

Proviso.

SEC. 11. Assessors shall finish taking in the list of taxable property on or before the first day of May, annually; and each assessor shall, on or before the said first day of May, deliver to the clerk of the commissioners' court of his county the abstract of lands furnished him by the clerk, together with the original list of taxable property within his district, also a copy of said list; the copy shall contain the names of all persons owning taxable property within his district, arranged and written in alphabetical order; the original list shall be filed and preserved by the clerk, and a copy shall be delivered over to the collector of taxes, as hereinafter provided.

Property to be valued by 1st May.

SEC. 12. Any person feeling aggrieved by the valuation of taxable property by any assessor, may apply to the county commissioners' court of the proper county; and if the court shall be satisfied, either from their own knowledge, or from the testimony of others, that the valuation of the assessors was too high, considered in reference to the actual value of the property, or in reference to the valuation fixed upon the property of others, they shall revalue the said property, and fix the value which ought to have been fixed by the assessor; but applications under this section shall be made at the June term of the county commissioners' court next after the listing of the property by the assessor, and not afterwards. At their March term annually, or as soon thereafter as may be, the county commissioners' courts of the several counties in this State shall appoint some suitable person to act as collector, who shall, before he enters upon the duties of his office, take and subscribe the following oath (or affirmation) to wit: I, A. B. collector of the county of \_\_\_\_\_ in the State of Illinois, do solemnly swear (or affirm) that I will faithfully, diligently, and impartially, and to the best of my skill and judgment, perform the duties required of me by law, as collector of the said county of \_\_\_\_\_ . A. B. Collector.

Appeal from the valuation of assessor to commissioners' court.

Oath of collector.

Sworn and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_\_

C. D. Justice of the Peace of \_\_\_\_\_ county, of Illinois.

Collector to execute bond. Said collector, before he enters upon the duties of his office, shall also execute a bond in a penalty at least double the amount of the tax to be by him collected, and with such security as the county commissioners shall deem sufficient; which bond shall be in the following form, to wit:

Form of bond. Know all men by these presents, that we, A. B., and C. D. and E. F. securities, all of the county of \_\_\_\_\_ and State of Illinois, are held and firmly bound to the people of the State of Illinois in the penal sum of \_\_\_\_\_ dollars, for the payment of which well and truly to be made, we bind ourselves, each of us, our heirs, executors and administrators, firmly by these presents, signed with our hands and sealed with our seals, dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_

The condition of the above bond is such, that if the above bound A. B. shall perform all the duties required to be performed by him as collector of the said county of \_\_\_\_\_ in the time and manner prescribed by law, and, when he shall be succeeded in office, shall surrender and deliver over to his successor in office all books, papers, and moneys belonging to said county or to the State, and appertaining to his said office, then the above bond to be void; otherwise to remain in full force,

Signed, sealed and delivered }  
in presence of G. H. }

A. B. [L. S.]  
C. D. [L. S.]  
E. F. [L. S.]

Bond to be transmitted to the office of Secretary of State. Which bond, when approved by the county commissioners' court as aforesaid, shall be entered on the records of the said court, and shall be transmitted to the office of Secretary of State at the seat of Government by the said commissioners, by some safe mode of conveyance, with all convenient despatch; and certified copies thereof, under the seal of State, shall be admitted as evidence in all courts of record in this State; and suit may be commenced on said bond against the said collector and his securities from time to time by the Auditor, for the use of the State, for any breach thereof at any time, until the whole penalty, if necessary, shall be recovered. The oath required to be taken by the collector may be taken before any justice of the peace of the proper county.

Shall be evidence.

Clerks of county commissioners' courts to transmit to the Auditor a statement of tax assessed.

SEC. 13. The clerks of the county commissioners' courts of the several counties shall, immediately after the June term of their courts annually, and by the first of July, transmit by mail to the Auditor of Public Accounts, a statement showing the aggregate amount of State tax assessed in their respective counties; and the Auditor shall charge the same to the collectors of the several counties respectively.

Clerks to deliver to collectors lists of taxable property.

SEC. 14. On the second Monday of August annually, or so soon thereafter as collectors shall have been sworn into office, the clerks of the county commissioners' courts shall deliver to the collectors of their respective counties, the alphabetical lists of taxable property returned to them by the



assessors, and take duplicate receipts for the same, in which shall be specified the amount of taxes to be collected upon the lands contained in the lists, and the amount to be collected upon the personal property; one of which receipts shall be filed by the several clerks of the county commissioners' courts in their office, and the other shall be delivered to the county treasurer of the proper county, and by him filed in his office.

SEC. 15. For the purpose of supporting the government and defraying the necessary expenses attendant upon the enactment, administration, and execution of the laws of the State, it is hereby declared that a tax of twenty cents upon every hundred dollars' worth of taxable property shall be levied and collected from the owners of such property, or the persons in whose names the same may be listed and assessed for taxation, and a perpetual lien is hereby enacted and declared to exist, in favor of the State, upon every tract or parcel of land, and upon every part thereof subject to taxation within the State, for the amount of all taxes due or to become due thereon, and for all costs and charges attending the collection of the same; and no alienation of land, subject to taxation as aforesaid, shall affect the claim or lien of the State hereby enacted and declared to exist; and every tenant or lessee who shall be obliged, under this or any other act, to pay the tax due on any land leased to him, when such payment is not required by the terms of the lease, or who shall be obliged to pay taxes on a greater part of such land, shall have a right to demand and receive the amount of taxes so paid by him from the owner of such lands, and shall moreover have a lien upon the lands [on] which the taxes were so paid until the amount thereof shall be repaid to the tenants or lessee as aforesaid.

Twenty cents tax to be levied on every one hundred dollars' worth of taxable property.

No alienation of land to affect the claim of the State to tax.

Every tenant paying tax shall have right to demand repayment from owner.

Shall have lien upon land till paid.

SEC. 16. The collectors of the several counties shall, so soon as the lists of taxable property are delivered to them, proceed to collect the taxes charged upon said lists, by calling upon each and every person residing in their respective counties, at his or her usual place of residence, and requiring payment thereof; and each and every person shall be charged with and required to pay to the collector twenty cents on every hundred dollars' worth of property listed for taxation; and a lien is hereby created and declared to exist, in favor of the State, upon every article of personal property owned by any person charged with taxes, from and after the taxes shall have been demanded by the collector; and no sale or transfer of the same shall affect the claim or lien of the State, but the said property shall be liable to be seized by the collector in whosoever hands or possession the same may be found, and sold to satisfy such taxes and all cost and charges attending the collection of the same: *Provided*, The lien aforesaid shall not continue to exist longer than to the expiration of the year for which the taxes are or may be due. If any

Collectors to proceed to collect tax.

Lien exists on taxable property from time payment is demanded by collector.

Proviso.

person charged with taxes shall be absent from home when the collector shall call upon him or her for payment thereof, the collector shall leave a written notice at the residence of every such person, stating the amount of taxes due from such person, and requiring him or her to make payment of the same at some time after the expiration of ten days from the date of the notice, and place to be specified in the notice; and such notice shall be considered as a demand for the taxes within the meaning of this act.

In case of failure to pay tax, collector shall levy on personal property, and sell at public vendue.

SEC. 17. If any person shall fail to pay his or her taxes when demanded by the collector, or within twenty days after such demand, the collector is authorized and required to seize and levy upon any personal property of such person of value sufficient to pay the taxes and costs, and to advertise and sell the same at public vendue; he shall give fifteen days' notice of the time and place of sale, by posting one advertisement on the door of the court-house of his county, and at three public places in the neighborhood of the place of sale; and if the property seized shall not sell for a sum sufficient to pay the taxes and costs, the collector may seize and sell any other personal property of the person in default, upon giving the notice of sale as aforesaid; and if any article of property so seized shall sell for more than the taxes and costs due, the collector shall, upon demand, refund the overplus to the owner.

To refund the overplus.

Collector to give receipt for tax paid.

SEC. 18. When the taxes are paid to any collector, or when taxes are collected by the sale of property, the collector shall deliver to the persons paying taxes, or the persons of whom the taxes have been collected by the sale of property, a written or printed receipt, signed by the collector or his deputy, stating, in such receipt, the amount paid and the value of the property taxed, and also describing each lot or parcel of land listed by its numbers, as described in the tax list.

What kind of money shall be received.

Proviso.

SEC. 19. The collectors of the several counties shall receive, in payment for taxes, the bills or notes of the State Bank of Illinois and branches, notes of the Bank of the State of Illinois, of the Bank of Illinois, gold and silver coin, and Auditor's warrants; and for taxes due the counties they shall receive county orders of their respective counties: *Provided*, The said collectors shall keep an accurate account of the amount of county orders received by them in payment of the county revenue, and shall endorse the name of the person from whom he receives the same on each order so received; and the court, on settlement with said collectors, shall not receive any county orders which were not received in payment for taxes.

County tax to be levied,

SEC. 20. The county commissioners' courts of the several counties in this State are hereby authorized and empowered to levy a tax for county purposes; which tax shall not exceed



one-half per cent. upon every hundred dollars' worth of real or personal property, unless authorized so to do by special act of the General Assembly; which tax shall be levied by said county commissioners at their June term in each and every year, to be collected with the State tax in the same manner as though it was a part thereof; and the collector shall pay over said county tax agreeably to the provisions of this act; and the lien upon property to secure the State tax shall also apply to the same property to secure the county tax.

of one-half per cent. on each one hundred dollars.

To be collected with State tax.

SEC. 21. Collectors shall pay into the treasuries of their respective counties, at the end of every month, all taxes collected for the use of such counties during the preceding month, and on the first Monday in March annually, shall make a final settlement, and account for and pay over the whole amount of the revenue due the county, deducting from the same the amount of all taxes which he shall have been unable to collect by reason of the insolvency, removal, or non-residence of persons charged with taxes.

Collectors to pay over co. tax every month. Final settlement in March.

SEC. 22. The collectors of the several counties shall pay into the State treasury, on or before the first Monday in March annually, all taxes collected by them for the use of the State, deducting therefrom their commissions for collection.

Collector to pay over State tax by first Monday in March.

SEC. 23. It shall be the duty of the collectors of the several counties to present to the county commissioners' court of their respective counties, at the March term of said courts annually, a list, upon oath, of the names of all persons charged on personal property in the list of taxable property, from whom such collector shall have been unable to collect taxes by reason of the insolvency, removal, or non-residence of such persons; which lists shall be copied from the lists of taxable property, and shall contain a description of the property taxed and the value of the same; and the said collectors shall note upon said lists, opposite the name of each person, whether such person be insolvent, or has removed, or is a non-resident; and, if removed, to what county or place; and, if a non-resident, the place of residence if known; and moreover certify that such list contains the names of all persons and the description of all personal property charged with the taxes in the county upon which taxes have not been collected, and that the notes and remarks made opposite to the names of persons charged with taxes are correct and true according to the best information and knowledge of the collector; which list shall be examined by the county commissioners, and all errors and mistakes therein corrected; and when the same shall have been so examined and corrected, the court shall make an order allowing the collector credit for the amount of taxes due or payable to the county upon the same; and the said list shall be filed with the clerk of the said court in his office; and thereupon the clerk of the said court shall make out a certificate, under the seal of

Collectors to present a list of persons from whom tax is not collected, upon oath.

To describe property.

List to be examined by county commissioners.

List to be filed with clerk.



SEC. 26. Before making the application to the circuit court provided for in the preceding section, the collector shall publish an advertisement in some newspaper printed in his said county, if any such there be, and if there be no such paper printed in his county, then in the nearest newspaper in this State, which advertisement shall be once published, at least six weeks previous to the said term of the said circuit court; and the said advertisement shall contain a list of the delinquent lands and town lots to be reported to said court, the names of the owners, if known, the amount of taxes, interest and costs due thereon, and the year or years for which the same are due; shall give notice of the intended application to the court for judgment against said lands and town lots for said taxes, interests, and costs thereon, and for an order to sell the said lands for the satisfaction thereof; and shall also give notice that on the next succeeding the said term of the said circuit court, all the lands against which judgment shall be pronounced, and for the sale of which such order shall be made, will be exposed to public sale, at the court-house of the said county, for the amount of said taxes, interest and costs due thereon; and the advertisement published according to the provisions of of this section, shall be deemed and taken to be sufficient and legal notice, both of the aforesaid intended application by the collector to the circuit court for judgment, and also of the sale of said lands, under the order of the said court.

Collector to advertise notice of application for judgment against delinquent lands.

Public sale for taxes.

SEC. 27. The collector shall obtain a copy of the said advertisement, together with a certificate of the due publication thereof from the printer or publisher of the newspaper in which the same shall have been published, and shall file the same with the clerk of the said circuit court at the said term thereof, together with the said report, provided for in the twenty-fifth section of this act.

Collector to obtain certificate of publication.

SEC. 28. The clerk of the circuit court, upon the filing of such report and certificate of publication by the collector, shall receive and record the same in a book to be kept for that purpose, in which he shall enter all judgments, orders, and other proceedings of the court in relation thereto, and shall keep and preserve the same as a part of the records of his office; and the said clerk shall place the said report and certificate of said collector at the head of the common law docket for said term, in the following form, to wit:

Clerk to file certificate.

Clerk to place certificate at the head of common law docket.

State of Illinois, }  
                   vs.        } Suit for taxes.  
 John Doe and others. }

SEC. 29. It shall be the duty of said court, upon calling the common law docket of said term, if any defence be offered by any of the owners of said lands so reported, or by any person having a claim or interest therein, to hear and determine the same in a summary way, without pleadings;

Court, if defence be offered, to hear and determine.



If no defence, court shall pronounce judgment, and make out order for the sale of the lands.  
Form of order.

and if no defence be made, the said court shall pronounce judgment against the said lands, and shall thereupon direct the clerk of said court to make out and issue an order for the sale of the same; which shall be in the following form, to wit:

State of Illinois, }  
county } sct.

Whereas, A. B. collector of said of said county, returned to the circuit court of said county, on the day of 18 the following tracts and parts of tracts of land, as having been assessed for taxes by the assessor of said county of for the year 18 , and that the taxes thereon remained due and unpaid on the day of the date of the said collector's return, and that the respective owner or owners have no goods and chattels within his county on which the said collector can levy for the taxes, interest and costs due and unpaid on the following described lands, to wit:

And whereas, due notice has been given of the intended application for a judgment against said lands, and no owner hath appeared to make defence or show cause why judgment should not be entered against the said lands for the taxes, interest and costs due and unpaid thereon, for the year or years herein set forth: Therefore, it is considered by the court, that judgment be, and is hereby, entered against the aforesaid tract or tracts of land or parts of tracts (as the case may be) in the name of the State of Illinois, for the sum annexed to each tract or parcel of land, being the amount of taxes, interest and costs due severally thereon; and it is ordered by the court, that the said several tracts of land, or so much thereof as shall be sufficient of each of them to satisfy the amount of taxes, interest and costs annexed to them severally, be sold, as the law directs.

SEC. 30. That the form as herein before set forth shall be pursued as near as the nature of the case will permit.

Clerk to make out a copy of collector's report.

Which shall constitute the process.

Sheriff to sell lands.

SEC. 31. That it shall be the duty of the clerk, within five days after the adjournment of said court, to make out, under the seal of said court, a copy of the collector's report, together with the order of the court thereon, which shall hereafter constitute the process on which all lands shall be sold for taxes, and deliver the same to the sheriffs of his county; and the sheriff shall, thereupon, cause the said lands to be sold on the day specified in the notice given by the collector for sale of the same, and make return thereof to the said clerk within twenty days after the day of sale.

Owner may pay tax before sale.

SEC. 32. Any person or persons owning or claiming lands, advertised for sale as aforesaid, may pay the taxes, interest and costs due hereon, to the collector of the county in which the same are situated, at any time before the sale thereof.

SEC. 33. In all advertisements for the sale of lands for taxes, and in entries required to be made by the clerk of the court, figures may be used, as they have heretofore been, to denote townships, ranges, sections, parts of sections, the year for which taxes are due, and the amount of taxes, interest and costs. Figures may be used in advertisements.

SEC. 34. The sheriff of each county in which lands shall have been advertised for sale for taxes, as herein before prescribed, shall attend at the court-house, or if there be no court-house, then at the place of holding courts in said county, on the day for which said sale is fixed in the said advertisement, and, assisted by the clerk of the county commissioners' courts, between the hours of ten of the clock, A. M. and three o'clock, P. M., shall proceed to sell each lot or parcel of land advertised for sale in his county as aforesaid, at public auction, commencing with the first lot or parcel named in the list, and proceeding until the whole are sold; he shall continue the sale each day until three o'clock P. M., and then adjourn until the next day, and shall thus proceed from day to day, (Sundays excepted) till the sales are completed. Sheriff shall attend sale.  
  
Time of sale.

SEC. 35. In selling the said lands, the sheriff shall offer the whole tract or lot for sale for the amount of taxes, interest and costs thereon, including the fees hereinafter mentioned; and so much thereof as may be necessary shall be struck off to the lowest bidder, that is, to the person who shall offer to pay the amount due as aforesaid, for the least number of acres. When a portion of a tract shall have been struck off on any such bid, it shall be taken off the east side of said tract, extending the whole length on the east side, and so proportioned in width as to embrace the number of acres sold as aforesaid. If no person shall offer to pay the amount due on said land, as aforesaid, for less than the whole tract, the whole tract shall be struck off to any bidder for the said amount; but if no person shall offer to pay the said amount for the whole tract, the same shall be struck off to the State, and the State set down as the purchaser thereof, for the said amount so due thereon, as aforesaid. The whole tract or lot to be offered for sale.  
So much as is necessary shall be struck off.  
To be taken from the east side of tract.  
  
If no offer be made the tract to be struck off to State.

SEC. 36. The clerks of the county commissioners' courts shall attend all sales of lands made by sheriffs under the provisions of this act, and shall keep a register of the sales in a well-bound book to be provided for that purpose, in which he shall enter each lot or parcel of land exposed to sale by the sheriff, copying the description of the same from the advertisement; and when a sale is made he shall enter the name of the purchaser, his place of residence, the quantity of land sold, and, when any tract of land is run down, shall designate what part of said tract is sold, by the letters, E. S. (for east side,) or by the letters, W. S. (for west side,) as the case may be, and the amount of the sale, and give certificates of purchase to the purchaser; and, immediately after Clerk of county commissioners' courts to attend sale.  
He shall keep a register of the sales.

each sale, shall transmit to the Auditor of Public Accounts a copy of the list of sales kept as aforesaid, certified under the seal of court: he shall leave blank columns in this book, containing the list of sales, to insert the names of persons who may redeem the lands sold, the date of redemption, and the amount of redemption money.

Sheriffs to pay over into the State treasury the amounts from sales within thirty days from sale.

SEC. 37. Within thirty days after any sale of lands for taxes, the sheriffs of the several counties making such sales, shall annually pay into the State treasury the amount of taxes due the State upon lands advertised for sale. They shall also, within ten days after such sale, pay into the county treasuries of their respective counties, the amount of taxes due the county upon the same.

Land sold for taxes may be redeemed within two years, upon paying double the amount of sales, with interest.

SEC. 38. Lands and real estate sold under the provisions of this act may be redeemed from such sale, at any time before the expiration of two years from the date of the sale, by any person who will pay to the clerk of the county commissioners' court of the proper county, double the amount for which the same was sold, and all taxes accruing after such sale, together with the interest on the amount of each year's tax, at the rate of six per cent. per annum, from the first day of September, in each year, until paid; and in all cases where lands are redeemed as aforesaid, the person owning the land when it was listed for taxation, and the heirs or assigns of such person, shall be considered as restored to all the rights which he, she, or they had in and to such lands at the time the same was listed for taxation.

Lands belonging to infants, &c. may be redeemed within one year after coming of age, &c.

SEC. 39. Lands and real estate which, at the time of sale, belonged to infants, femes covert, or lunatics, may be redeemed upon the terms specified in the preceding section, at any time within one year from the time the disabilities of such person shall cease to exist; and if there be several infants owning a joint, or joint and several interest in any lands or real estate sold for taxes, such infants, or any one of them, may redeem the same from such sale at any time within one year after the youngest one of them shall arrive at the age of twenty one years; and any person claiming the right to redeem land under the provisions of this section, shall produce to the clerk of the county commissioners' court of the proper county, the affidavit of some credible person, stating who owned the same at the time of the sale thereof; and if the owner was a feme covert at the time of a sale, stating that fact, and the time at which he or she became of age; or if there were several infant owners, stating that fact, and stating the age of the youngest of such infants; and if the clerk shall be satisfied, from the facts stated in the affidavit, that the lands proposed to be redeemed are subject to redemption under the provisions of this section, or any other law of the State, he shall file the affidavit so presented, and permit the lands to be redeemed, upon the conditions which are or may be required by law; and such redemption

Affidavit to be presented to clerk.



shall operate to restore to the owner or owners of the land, his, her, or their heirs or assigns, all rights which he, she, or they had in and to the same at the time of sale: *Provided, however,* That the certificate of redemption shall not be evidence of any other fact than that the redemption money was paid. Proviso.

SEC. 40. Affidavits presented to the clerks of the county commissioners' courts of the several counties of this State, to enable persons to redeem lands sold for taxes, may be taken before any judge or clerk of a court of record in this State, and certified under the hand and seal of such judge or clerk; or they may be taken before any judge or clerk of a court of record without the State, and certified as aforesaid. Affidavit to be certified before judge or clerk.

SEC. 41. All lands which may hereafter be stricken off to the State for taxes, may be redeemed at any time by any person claiming the same, upon paying into the State treasury the amount for which such lands were sold, and all taxes accruing thereon to the time of redemption, with interest on each year's tax, at the rate of six per cent. per annum, from the first day of September, in each year, to the time of redemption; and such redemption shall enure to the use and benefit of the owner of the land at the time of sale, and to his or her heirs and assigns; and it shall be the duty of the Auditor of Public Accounts, upon such redemption being made, to notify the clerk of the county commissioners' court of the county in which the said land lies, of the redemption of said land, and also to issue his warrant in favor of the treasurer of said county, for the proportion of said redemption money which may be due said county. Lands struck off to State, may be redeemed at any time. Duty of Auditor.

SEC. 42. Immediately after the expiration of the term of two years from the date of the sale of any land for taxes under the provisions of this act, the sheriff shall make out a deed for each lot or parcel of land sold, and remaining unredeemed, and deliver the same to the purchaser upon the return of the certificate of purchase. Deeds executed by sheriffs shall be in the following form: Sheriff to make out deed to land sold for taxes after the expiration of two years.

Know all men by these presents that, whereas, at term, 18      of the circuit court of      county, a judgment was obtained in said court, in favor of the State of Illinois, against the [here insert the description of the land] for the sum of      dollars and      cents, being the amount of taxes, interest and costs, assessed upon said tract of land for the year 18      and whereas, on the      day of      18      I, A. B. sheriff of the county aforesaid, by virtue of a precept issued out of the circuit court of the county aforesaid, dated the      day of      and to me directed, did expose to public sale at the door of the court-house, in the county aforesaid, in conformity with all the requisitions of the statute in such case made and provided, the tract of land above described, for the satisfaction of the judgment so rendered as aforesaid; and whereas, at the time and place aforesaid, C. D., of the Form of deed.



county of                      and State of                      having offered to pay the aforesaid sum of                      dollars and                      cents for                      which was the least quantity bid for, the said tract of land was stricken off to him at that price. Now, therefore, I, A. B., sheriff as aforesaid, for and in consideration of the said sum of                      dollars and                      cents to me in hand paid by the said C. D. at the time of the aforesaid sale, and by virtue of the statute in such case made and provided, have granted, bargained, and sold, and by these presents do grant, bargain and sell, unto the said C. D. his heirs and assigns, the                      To have and to hold, unto him, the said C. D. his heirs and assigns, forever; subject, however, to all the rights of redemption provided by law. In witness whereof, I, A. B., sheriff as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name, and affixed my seal, this                      day of                      18                      Sheriff.

Sheriffs' deeds to be evidence of certain facts.

SEC. 43. Deeds executed by the sheriff, as aforesaid, shall be *prima facie* evidence, in all controversies and suits in relation to the right of the purchaser, his heirs or assigns, to the land thereby conveyed, of the following facts:

1. That the land conveyed was subject to taxation at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law.

2. That the taxes were not paid at any time before the sale.

3. That the lands conveyed had not been redeemed from the sale at the date of the deed. And shall be conclusive evidence of the following facts:

1. That the land was advertised for sale in the manner, and for the length of time required by law.

2. That the land was sold for taxes as stated in the deed.

3. That the grantee in the deed was the purchaser.

4. That the sale was conducted in the manner required by law; and in controversies and suits involving the title to land claimed and held under and by virtue of a deed executed by the sheriff as aforesaid, the person claiming title, adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the said land was not subject to taxation at the date of the sale—that the taxes had been paid—that the land had never been listed and assessed for taxation, or that the same had been redeemed according to the provisions of this act, and that such redemption was had or made for the use and benefit of persons having the right of redemption under the laws of the State; but no person shall be permitted to question the title acquired by a sheriff's deed, without first showing that he or she, or the person under whom he or she claims title, had title to the land at the time of the sale, or that the title was obtained from the United States or this State after the sale, and that all taxes due upon the land have been paid by such

person, or the person under whom he claims title as aforesaid.

SEC. 44. The books and records belonging to the office of the clerks of the county commissioners' courts, and the clerks of the circuit court, or copies thereof, certified by clerks of either of the courts aforesaid, shall be deemed sufficient evidence to prove the judgment and sale of any land for taxes, or the redemption of the same, or the payment of taxes thereon.

Records of clerks to be evidence of judgment and sale of land for taxes.

SEC. 45. No sheriff or deputy sheriff shall be eligible to the office of county treasurer, nor shall any county treasurer be permitted to act as deputy sheriff or collector.

Sheriff ineligible to the office of county treasurer.

SEC. 46. Persons paying taxes upon lands advertised for sale for taxes, or after judgment has been obtained, and previous to sale, shall be required to pay the cost of suit, and of advertising the same, and all other costs which may have accrued on said land under the provisions of this act, up to the time of such payment.

Costs to be paid by persons paying taxes.

SEC. 47. Purchasers of lands sold for taxes, or their representatives, shall receive from the State or county treasurer, on demand, the redemption money, and the amount of all taxes paid by them upon the land subsequent to the sale; and it is hereby enacted and declared, that the receipt of redemption money by any purchasers, as aforesaid, shall operate as a release of all claim to the land under or by virtue of the purchase.

Purchaser to receive redemption money.

SEC. 48. If any purchaser of lands sold for taxes shall suffer the same to be again sold for taxes before the expiration of two years from the date of his or her purchase—such purchaser shall not be entitled to a deed for the land, until the expiration of two years from the date of the second sale; during which time the land shall be subject to redemption upon the terms and conditions prescribed in this act, except the person redeeming shall only be required to pay for the use of such purchaser the amount paid for the land, and double the amount paid by the second purchaser.

Purchaser of land for taxes allowing the same to be sold again, shall not be entitled to deed.

And shall be subject to redemption.

SEC. 49. If, at any time before the execution of a deed for lands sold for taxes, it shall be made to appear, to the satisfaction of the sheriff, that any lot of land was sold, which was not subject to be taxed, or upon which the taxes had been paid previous to the sale, he shall not execute a deed for such land; but, upon the application of the purchaser, or his legal representative, the said sheriff shall refund the same, if in his hands; and if the same shall have been paid into the State treasury, then the said sheriff shall give a certificate of the facts; which certificate, when presented to the Auditor, shall be sufficient for the Auditor to issue his warrant in favor of all persons holding the certificate for the amount so certified, and the sheriff shall note, on the list of sales, that such land was erroneously sold; and the sale shall thereby be deemed and considered as cancelled.

Land sold which was not subject to tax, no deed shall be given.

But money be refunded.

Auditor to issue warrant.



Duplicate deed to be issued by sheriff when original lost.

Penalty in case sheriff shall fail to attend sale.

Penalty in case of failure to pay over tax.

Penalty in case clerk shall fail to attend sale.

Manner of proceeding in case collector shall fail to pay over county tax.

**SEC. 50.** The sheriff may issue a duplicate deed, which shall be considered as a copy for any tract or parcel of land, which may have been sold for taxes, upon the purchaser or his assignee filing an affidavit, stating that the original deed has been lost or destroyed.

**SEC. 51.** If any sheriff, by himself or deputy, shall fail to attend any sale of lands advertised according to the provisions of this act, and make sale of the same according to said advertisement, he shall be liable to pay into the State treasury the amount of taxes and costs due upon the lands advertised for sale, as though the said lands had been sold.

**SEC. 52.** If any sheriff or collector shall fail to pay into the county treasury the amount of taxes or revenue due such county, at the time and in the manner required by this act, he shall be liable to pay ten per cent. per month upon the amount which he may or shall fail to pay as aforesaid; and if he shall fail to pay into the State treasury the amount of taxes or revenue due the State at the times and in the manner herein required, he shall be liable to pay ten per cent. per month upon the amount which he may or shall fail to pay as aforesaid.

**SEC. 53.** If any clerk shall fail to attend any sale of lands as required by this act, either in proper person or by a competent deputy, he shall forfeit and pay the sum of one hundred dollars, and shall be liable to indictment for such failure, and, upon conviction, shall be removed from office.

**SEC. 54.** If any collector shall fail to pay into the county treasury of his county the revenue due the county, at the time and in the manner required by this act, it shall be the duty of the county treasurer to cause to be delivered to such collector, and his securities, a notice, in writing, informing him and them that, at the succeeding term of the circuit court of the county, a motion will be made before the said court for judgment against such collector, for all sums which may be due from him to the county at the time of making the motion, together with the damages allowed by law for default in not paying the same into the county treasury; the notice shall state the day of the term of the court when the motion will be made, and shall be served by the coroner or any constable of the county, at least five days before the day on which the motion is to be made; the notice need not state any amount for which judgment will be asked; and the circuit courts of the several counties are hereby vested with jurisdiction and power to hear and determine all such motions, and to inquire into the amounts due from collectors, and give judgment for the same, together with the damages allowed by law for failures to pay the same into the county treasury; and upon the trials of motions against collectors, the court is vested with power to compel the production of all books, papers, and vouchers in the possession of the collector and appertaining to his office, to be used as evidence,

if it shall appear to the court that any such books, papers, or vouchers are or may be material evidence in the cause.

SEC. 55. Upon the failure of any collector to pay money into the State treasury as required by law, it shall be the duty of the Auditor of Public Accounts to proceed against such collector, by motion before the Supreme Court, a written notice of which motion shall be served on the collector and his securities at least twenty days before the day on which the motion is to be made; the notice shall state that the Auditor will, in behalf of the State of Illinois, move the said court to enter up judgment against the collector for the amount which may appear to be due from him to the State at the time the motion is heard, and for all damages allowed by law for default in not paying the same; the notice may be served by any coroner or sheriff in the State, or by any person whom the Auditor may employ; but, if not served by a coroner or sheriff, an affidavit shall be made of the service thereof by the person serving the same; the Supreme Court is hereby vested with power and jurisdiction to hear and determine all such motions, and to give judgments and award executions.

Collector failing to pay State tax, the Auditor to proceed against him.

SEC. 56. In serving notices of motions against collectors in favor of the State or county, a copy of the notice shall be delivered to the collectors and their securities.

Copy of return to be delivered to collector.

SEC. 57. If any collector shall receive the taxes upon any land or real estate, and shall knowingly include the same land or real estate in the list of lands returned by him on which taxes have not been collected, and the said land shall be sold for the taxes thereon, he shall be liable to indictment, and, upon conviction shall be removed from office; and the court before which the conviction is had, shall enter judgment accordingly; and such collector shall moreover be liable to the party injured for all damages, to be recovered in an action on the case; and if any collector shall receive taxes from any person, and shall knowingly return that he has been unable to collect the same taxes, he shall, for such offence, be liable to an indictment, and, upon conviction thereof, shall be removed from office, and shall moreover be liable to the party injured, for all damages sustained by reason of such failure, to be recovered, by action on the case, in any court of competent jurisdiction.

If collector make false return, shall be liable to indictment.

SEC. 58. Any person who may accept the appointment of assessor in any county or district, and shall fail to perform the duties required of him, shall forfeit and pay the sum of three hundred dollars to the use of the county, to be recovered by action of debt in the name of the county, and shall moreover be liable to pay to the county and State all damages sustained by either county or State by reason of such failure, to be recovered, by action on the case, before any court having jurisdiction thereof: *Provided*, If any assessor is unable, from sickness or any other unavoidable casualty, to

Penalty in case assessor shall fail to perform his duties.

Proviso.



discharge the duties of assessor, he shall forthwith tender his resignation to the county commissioners' court; which shall fully discharge the said assessor from the penalty aforesaid; and the county commissioners' court shall in all such cases fill said vacancy.

Assessor refusing to accept appointment, county commissioners to appoint some other person.

Duty of county clerk.

SEC. 59. In case any person appointed assessor shall refuse to accept the appointment, the clerk of the county commissioners' court shall notify the commissioners thereof, whose duty it shall be to appoint some other person without delay.

SEC. 60. The clerks of the commissioners' courts shall, immediately after the adjournment of each term of their court, furnish the county treasurer with a list of all orders made by the court for the payment of money out of the county treasury, showing to whom the orders are payable, and the amount and number of each order; and the said orders shall be paid in rotation according to their numbers: *Provided, however,* That collectors may receive county orders in payment of all taxes due their counties.

County treasurer failing to perform his duty, shall be liable to action.

SEC. 61. If any county treasurer shall fail to perform any duty required of him by law, he shall be liable to the action of any person injured by such failure, and shall also be liable to an action upon his bond, in the name of the county, for all damages sustained by the county by any breach of duty.

Fees allowed to officers and others named in this act.

SEC. 62. The following fees and compensation shall be allowed to the several officers and persons herein named, for services rendered under the provisions of this act, viz:

To each assessor, a sum not exceeding two dollars per day, for every day necessarily employed in the performance of his duty, one-half to be paid out of the State treasury, the other half to be paid out of the county treasury. To county treasurers, for receiving and paying out the county revenue, two per cent. upon all moneys paid out. To clerks of commissioners' courts, for making transcript of lands listed for taxation and lands sold for taxes, and transmitting a list of the sales, by mail, to the Auditor of Public Accounts, two cents for each lot or parcel of land included in each list; for assisting the sheriff in selling lands for taxes, twenty-five cents for each lot sold for which a certificate is given; for making transcripts for assessors, two cents for each lot or parcel of land included in each transcript, to be paid out of the county treasury. To collectors for collecting and paying over taxes, six per cent. upon the amount paid over; and when taxes are collected by the sale of personal property, collectors shall charge, for advertising and selling said property, ten per cent., and, for each tract of land sold for taxes, ten cents, to be collected from the sale of said property. To the printer, for publishing advertisements for the sale of lands for taxes, six cents for each lot or parcel of land contained in the list of sales, to be paid out of the State treasury; the printer or printers shall be required to transmit, by mail, two numbers

of each paper containing such notice, to the clerk of the county commissioners' court of the several counties in the State; two numbers of each shall be transmitted in like manner to the sheriff of each county in the State; two numbers of each shall be transmitted to the Auditor of Public Accounts; and two to the Treasurer, to be by them filed and preserved in their offices respectively; each sheriff shall post one of said newspapers on the door of the post-office, at the county seat of his county; and each clerk shall post one of said newspapers on the door of the court-house of his county, or on some conspicuous place inside of the court-house; the other number of the paper transmitted to the clerk shall be by him filed and preserved in his office; and one copy of said paper shall be transmitted to each of the clerks of the circuit court, subject to examination by any person who may desire to examine the same—the advertisements for the sale of lands for taxes, letters and figures may be used as they have heretofore been, to denote townships, ranges, sections, parts of sections, the years for which taxes are due, and the amount of taxes and costs.

SEC. 63. All acts and parts of acts coming within the purview and meaning of this act, and all laws or parts of laws heretofore passed, exempting town-lots and other property in incorporated towns from taxation for State and county purposes, together with all laws heretofore enacted, requiring merchants to obtain a license to sell goods, are hereby repealed: *Provided*, That the repeal of said act shall in no way affect or impair any right or interests acquired under said act.

All acts conflicting with this, repealed.

Provided.

SEC. 64. In the several counties of this State, the county treasurers are hereby required to keep their offices at the county seat in their respective counties.

County treasurer to keep his office at county seat.

SEC. 65. The Secretary of State is hereby required, so soon as this bill becomes a law, to have, without delay, as many copies of this bill printed as there are counties in this State, and forward one copy by mail to each clerk of the several county commissioners' courts within this State. This act to take effect from and after its passage.

Secretary of State to have this act printed.

APPROVED, Feb. 26, 1839.

---

AN ACT supplementary to "An act concerning the Public Revenue."

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in General Assembly*, That all moneys which are now required by law to be paid to the clerks of the county commissioner's court by persons redeeming lands which may have been sold for taxes under the provisions of the act to which this is supplementary, shall be paid by said clerks into the county treasuries of their respective counties within ten

All redemption money required to be paid to county clerks, to be paid over to county treasurers.



days after it shall have been so paid to them; and the county treasurers of the several counties shall give receipts for all such moneys to the said clerks, who shall file and safely keep such receipts in their respective offices.

Number of papers to be transmitted by printer.

SEC. 2. The printer or printers, who may publish advertisements for the sale of lands for taxes, shall not be required to transmit, except as is hereinafter provided, more than one number of each paper, containing such advertisement, to each clerk of the county commissioner's court of the several counties in this State; which paper so transmitted shall be filed in the office of said clerk.

Clerk need not post notice in certain cases.

SEC. 3. The clerk of the county commissioners' court of any county, other than that in which the land advertised for sale may be situated, shall not be required to post a number of the paper containing such advertisements; nor shall any sheriff be required to post a number of the same; nor shall said printer or printers be required to transmit to any sheriff any number of such paper.

Printer to send clerk of each county in which sale occurs, five papers.

SEC. 4. Such printer or printers shall be required to transmit, to the clerk of the county commissioners' court of the county where the lands advertised for sale may lie, five numbers of the paper containing such advertisement, one number of which said clerk shall post up as now required by law, two numbers he shall deliver to the sheriff of his county, and the remaining two numbers, he shall file and safely keep in his office.

Lots not taxable in aggregate, but by numbers.

SEC. 5. Lands sub-divided and laid out in town lots, streets, and alleys, shall not be subject to taxation by their numbers and description in the aggregate as quarter sections of land, but the lots into which the lands are divided shall be listed and taxed separately, by their numbers, as town lots, according to their value. The word "or," between the words *real* and *personal*, in the twentieth section of the act to which this is supplemental, shall be construed as "and," and in all respects shall have the same meaning and signification as the word "and." The blank in the twenty-sixth section of the act to which this is supplemental, shall be filled with the words, "second Monday."

Construction of former act.

Certain provisions repealed.

SEC. 6. Any provisions in the act to which this is supplementary, contrary to the provisions of this act, are hereby repealed. The Secretary of State is hereby required to transmit copies of this act, in the same manner, and at the same time, as he is required to transmit copies of the act to which this is supplemental.

APPROVED, March 1, 1839.



AN ACT to amend the several acts incorporating the town of Galena.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Galena, in the county of Jo Daviess, shall be and continue a body politic and corporate, in fact Body politic. and name, under the style of the City of Galena, and as such, and by that name, shall have perpetual succession in law, may contract and be contracted with, sue and be sued, Powers. complain and defend in any and all places and courts whatsoever, may have and use a common seal, and alter the same at pleasure, and do all acts as natural persons, and may have, exercise, and enjoy all powers, rights and privileges, and be subject to all the duties and obligations now pertaining to or incumbent upon said town, except so far as the same be altered, modified, enlarged, or restrained by this act. The limits and boundaries of the town of Galena, as laid out by Boundaries. the commissioners, appointed by the General Government, under the act of Congress, passed July 2, 1836, shall be the limits and boundaries of the city of Galena.

SEC. 2. The corporate powers and duties of said city, and the government and administration of all fiscal, prudential, or municipal affairs thereof, shall be vested in a mayor and a board of aldermen, to be chosen in manner hereinafter provided, and who shall constitute the city council. Powers vested in mayor and aldermen.

SEC. 3. The president and trustees of the town of Galena shall, as soon as practicable, after the passage of this act, cause said town to be divided into wards, in such a manner Wards. as to include an equal number of inhabitants in each ward, as nearly as may be conveniently done, regard being had to streets, or other well defined bounds of such wards; and the same shall be entered upon the records of the town, and published in the same manner as corporation ordinances of said town are now required to be published; and it shall thereafter be lawful for the city council, not oftener than once in each year, to alter such divisions or wards, or to increase the number thereof, preserving, as nearly as may be conveniently altered. done, an equal number of inhabitants in each ward.

SEC. 4. The city council shall, ten days before any annual election, appoint three judges of election for each ward, who shall remain in office one year, and have the same power as judges of general elections in this State: *Provided,* That Judges of election. the president and trustees of the town of Galena shall appoint the judges for the first election under this act. Proviso.

SEC. 5. The president and trustees of the town of Galena, as soon as practicable after the acceptance of this act, shall, by ordinance, fix and determine the day of the first election, and also the day on which the mayor and aldermen first elected shall enter upon the duties of their offices; and on the day so to be fixed for the first election, and on the first Monday in March in each subsequent year, the white male citizens of First election.

- Annual elec-  
tion. Galena shall, in their respective wards, and at such hour, and place, or places, as shall be ordered by the president and trustees for the first election, and by the city council for all subsequent elections, proceed to elect, in such manner as the president and trustees for the time being, or the city council, shall ordain, some person to be mayor of said city, and two persons in each ward, who shall be residents in the ward for which they may be elected, to be aldermen: *Provided*, That no person shall be eligible to the office of mayor or alderman, who shall not have resided within said town or city for at least one year next immediately preceding his election, or who shall be under the age of twenty-one years, or who shall not, at the time of his election, be a house-holder in said town or city, and a citizen of the United States, and no other qualifications shall be required.
- Proviso.
- Qualification  
of voters. **SEC. 6.** No person shall vote at any election under this act, except in the ward in which he resides at the time of such election, nor unless he shall have attained the age of twenty-one years, and shall have resided within said town or city for at least six months next immediately preceding such election, and shall be a citizen of the United States; and every person shall, if required by any qualified voter, before he shall be permitted to vote, take the following oath or affirmation before the judges of the election, or any one of them:—"You swear (or affirm) that you are twenty-one years old; that you have resided in the town or city of Galena, for six months next immediately preceding this day; that you are now a resident of this ward, and a citizen of the United States; and that you have not voted at this election."
- Oath to be  
taken by vo-  
ters.
- Poll-books. **SEC. 7.** In all elections under this act, poll-books shall be kept by the judges of elections in their respective wards in the manner in which poll-books of State elections are required to be kept; one copy whereof, certified by said judges, shall be returned forthwith to the clerk of the city, who, upon the receipt thereof, shall file the same; and the said city council shall, on the day after such election, meet and examine and compare all said returns; and that person who shall have received the greatest number of all the legal votes cast for mayor, in all the wards of said city, shall be mayor for the ensuing year, and until his successor shall be elected and qualified; and those two persons in each ward, who shall have received the greatest number of all the votes cast in the respective wards for aldermen, shall be aldermen for such wards for one year, and until their successors be chosen and qualified; and the said city council shall issue certificates of election, under the seal of the corporation, to each person so elected, and in said certificate shall specify a time, not less than three days, nor more than seven days after such election, and a place within said corporation, when and where the persons elected shall attend and take the oath or affirmation of office: *Provided*, In the first election under this act, all the
- Copy of poll  
to be given to  
clerk of city.
- Aldermen.
- Proviso.



duties required to be performed by the city council, and by the clerk of the city, shall be performed by the president and trustees of the town of Galena, and by their clerk, respectively: *Provided*, In case the first election under this act shall not take place on or before the first Monday in March, 189, the mayor and aldermen chosen at said first election shall hold their office till their successors be chosen and qualified under this act. Proviso.

SEC. 8. Vacancies in the office of mayor or aldermen shall be filled by special election, to be called by the city council, and to be conducted in the same manner as annual elections: *Provided*, In case, after the first election under this act, it shall ever happen that all the offices of mayor and aldermen be vacant, the clerk of the city shall perform all the duties required to be performed by the city council in relation to elections: *And further provided*, That not less than ten days' notice shall be given of any annual or special election. Vacancies,  
how filled.  
Proviso.  
Further proviso.

SEC. 9. After the first election under this act, the mayor and aldermen shall enter upon the duties of their offices on the second Monday in March, in each year, or as soon after as practicable; previous to which, the mayor elect shall be sworn or affirmed by some judge, or justice of the peace within the county of Jo Daviess, to support the constitution of the United States and of the State of Illinois, and well and truly, to the best of his ability, to discharge the duties of his office; and the mayor, or such judge or justice, shall administer the like oath or affirmation to the several aldermen; and certificates of all such oaths or affirmations shall be entered upon the journal of proceedings.

SEC. 10. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression mal-conduct or partiality in the discharge of his office, he shall be liable to indictment in the circuit court for Jo Daviess county, and on conviction he shall be fined not less than two hundred dollars; and the court shall have power, on the recommendation of the jury, to add to the judgment of the court that he be removed from his office. Omission of  
duty.  
Liable to in-  
dictment.

SEC. 11. The mayor shall preside at all meetings of the city council, and shall have a casting vote and no other: in case of non-attendance of the mayor at any meetings, the aldermen shall appoint a chairman, who shall preside at that meeting. Casting vote  
of mayor.

SEC. 12. The mayor or any two alderman may call special meetings of the city council. Special meet-  
ings.

SEC. 13. The mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of said city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be prosecuted and punished; he shall from time to time communicate to the alderman such information, and recommend all such measures, as in his opinion

may tend to the improvement of the finances, the police, the health, security, comfort, and ornament of the city. He is hereby authorized to call on every male inhabitant of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances, and, in case of a riot, to call out the militia to aid him in suppressing the same, or in carrying into effect any law or ordinance. Any person who shall not obey such call of the mayor or his agent, shall forfeit to the said city a fine not exceeding fifteen dollars. The mayor shall have power, whenever he may deem it necessary, to require of any of the officers of the said city, an exhibit of his books and papers. He shall have power to do all that may be required of him by any ordinance made in pursuance of this act. He shall also be a justice of the peace in said city, and as such he shall have power and authority to administer oaths, issue writs and process under the seal of the city: he shall have concurrent jurisdiction with all other justices in all civil and criminal cases within the limits of said city, and shall receive the same fees and compensation for his services. He shall have power and authority to take the acknowledgments of deeds, mortgages, and all other instruments and certify the same under the seal of the city, all of which shall be good and valid in law. He shall also have such jurisdiction as may be vested in him by ordinance of the city in and over all places within six miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof: and he shall receive for his services such salary as shall be fixed by an ordinance of the city.

**Power of mayor.**      **In case of riot.**      **Refusal to obey call of mayor.**      **Mayor a justice of the peace.**      **Jurisdiction.**      **Powers.**      **Salary of mayor.**

**SEC. 14.** The mayor and alderman shall be commissioned by the Governor as justices of the peace, and as such shall be conservators of the peace within the city [of] Galena, and shall severally have all the jurisdiction and powers of justices of the peace in criminal and civil matters.

**Mayor and aldermen commissioned by Governor.**

**SEC. 15.** In case the mayor shall remove from said city, his office shall thereby be vacated. In case any alderman shall remove from the ward in and for which he was elected, his office shall thereby be vacated. In case the mayor elect, or any alderman elect, shall refuse or neglect to attend at the time and place specified in his certificate of election to take the oath or affirmation of office, and shall not, within seven days after his election, offer a reasonable excuse for such non-attendance, or shall refuse to take the said oath or affirmation, his office shall be thereby vacated.

**Vacancy in office of mayor or aldermen.**      **Non-attendance of officer elect.**

**SEC. 16.** At all meetings of the city council, a majority of all the aldermen elected shall constitute a quorum to do business, but a minority may adjourn from day to day, and compel the attendance of absent members, in manner to be provided by the city council.

**Quorum.**



SEC. 17. The city council are hereby declared to be the successors in office of the president and trustees of the town of Galena, and may take and hold property in trust or otherwise. Successors of president and trustees.

SEC. 18. The city council shall be judges of the qualifications, elections and returns of their members, and shall have power to make and enforce rules of proceeding; to compel the attendance of absent members; to punish for disorderly conduct; and, by a vote of two-thirds of the alderman elected, to expel any alderman. But if such alderman be re-elected, to fill the vacancy occasioned by his expulsion, he shall not be again expelled for the same offence.

SEC. 19. The city council shall have full power and authority to assess, levy, and collect taxes upon all property, real and personal, within the limits of said city, except the wearing apparel of any person, and the necessary implements and tools of any person used in the exercise of his or her profession, trade or calling, and to regulate by ordinance the mode of collecting the same: *Provided*, That no tax shall exceed the yearly rate of one-half per centum upon the assessed value of the property taxed. Taxes, how assessed and collected. Articles exempted from taxation. Proviso.

SEC. 20. All taxes may be collected by distress and sale of the property taxed, and, if there be no purchaser, the same may be bought by the city of Galena. Tax, how collected

SEC. 21. Whenever, after paying all taxes due and all costs of sale and collection, there shall remain any overplus of the money received from such sale of any property for tax or taxes, such overplus shall be paid, without interest, to the owner or owners of the property sold, his, her, or their representatives, on demand: *Provided*, That no greater amount of real estate shall at any time be sold than will be sufficient to pay the taxes and costs due from such person. Proviso.

SEC. 22. All real property sold for any tax or taxes, by the city council, shall be subject to the same right of redemption, and the same terms as now are or may hereafter be provided by the laws of this State for the redemption of real estate sold for taxes due the State. Right of redemption.

SEC. 23. The said city council shall have full and exclusive power and authority to license, tax, and regulate merchants, vendors of goods or merchandize, tavern keepers, ordinaries, auctioneers, pedlers, hackney carriages, wagons, carts and drays, brokers of all kinds, common carriers, common porters, and all ferries within said city; to tax, license, regulate, and restrain or prohibit theatrical or other shows, groceries, retailers, tipling-houses, houses of entertainment, and the going at large of dogs, horses, cattle, swine, sheep and goats; to prohibit steam locomotives from being run upon any road or railroad within the inhabited parts of said city; to prohibit and restrain gaming and gaming-houses; to prohibit the firing or discharge of any fire-works within said city, or of any gun or fire-arm in said city, except in defence Licenses, taxes, pedlers, &c. Theatres. Locomotives. Gaming.

Night watch.	cept by any military company; to establish night watches and
Lamps, wells.	patrols; to erect lamps, sink wells, and erect and repair
Squares.	and maintain pumps in the public squares, streets and places;
	to construct, widen, alter, preserve, or discontinue streets,
	lanes, ways, squares, drains, and wharves; to pave, macadamize, and grade the same, and remove obstructions there-
Side-walks.	from; to construct side-walks at the expense of the owners
	of lots in front of which the same shall be constructed, or at
	the expense of the city; to regulate weights and measures to
	be used in said city, and seal the same; to regulate, parapet
Walls and fences.	and partition walls, and fences; to regulate the anchorage
	and mooring of vessels; to regulate the erection of public
Wharves.	and private wharves, and the rates of wharfage thereat; to
	inspect wood, building materials, coal, lime, and provisions of
Hay, coal, wood.	all kinds; to regulate gauging, the weighing of hay, the mea-
	sure of coal, wood, and lime; to prevent forestalling; to pre-
	vent and remove nuisances; to prevent the introduction of
	contagious diseases, and for this purpose to make health and
	quarantine regulations, and enforce the same in all places
	within six miles of the boundaries of said city; to provide for
Fires.	preventing and extinguishment of fires; to organize fire com-
	panies, and appoint fire wards; to regulate the storage, sale,
	and transportation of all combustible materials, and burial
	grounds owned by said city; to license, tax, or prohibit the
Lotteries.	sale of any lottery tickets within said city; to borrow, upon
	the faith and pledge of the city, so much money as they may
	deem necessary and expedient, not exceeding twenty-thou-
	sand dollars in any one year, and to issue bonds, scrip, or
	certificates therefor; the money so borrowed to be ex-
	pended and applied in liquidation of the debts of said town
	or city, and in the permanent and useful improvements there-
	of; to take, purchase, and hold estate, real and personal, and
	to lease or sell the same.

SEC. 24. The said city council shall have power and authority to prevent and punish riots, disturbances, disorderly assemblages, and disorderly houses; any open indecencies, breaches of the peace, horse-racing, obstructing the streets, side-walks, or public high-ways; and, generally, to regulate and maintain the police of said city.

Side-walks.	SEC. 25. That upon the application of the owners of two-
	thirds of the front of the lots on any street or parts of a street,
	it shall be lawful for the city council to levy and collect a
	special tax on the owners of the lots on said street or parts
	of streets, according to their respective fronts, for the pur-
	pose of grading and paving the side-walks on said street;
	and, upon similar application, to levy and collect a tax in the
	same manner, for the purpose of erecting lamps and lighting
	the same.

SEC. 26. Upon complaint made, on oath, by any alderman or fire-ward to the mayor, or any justice of the peace resid-



ing within the said city, that he has reason to suspect, and does suspect, that combustible materials are stored in an unsafe way, or that any stove-pipe, flue of any chimney, is in an unsafe condition, so that the safety of any buildings is endangered thereby, said mayor or justice shall issue his warrant, directed to the marshal or his deputy, ordering him, after demand of entry, in the name of the city, at the door of the building, and there search for such combustible materials, and examine such stove-pipe, flue or chimney, and make return forthwith of his doings to the said mayor or justice; and if, upon examination of such return, the said justice shall find that the said complaint was true in substance, the matters complained of shall be abated or removed, as nuisances, in manner to be provided by ordinance, and the occupant of the building dealt with in manner to be provided by ordinance.

Combustible materials

Warrant.

SEC. 27. The said city council, whenever, in their opinion, the safety or convenience of the inhabitants of said city shall require it, are hereby empowered and authorized to alter or discontinue any street, lane, alley, way, square, wharf or drain, or to lay out, open or construct any new street, lane, way, square, wharf or drain, and for that purpose may take any land that may be required for the same, and remove any building whatever, upon giving twenty days' notice thereof in any newspaper published in said city of Galena; and the said street, lane, way, square, wharf, or drain, being recorded in the records of said city, shall thereby be established as such; and the owner or owners, or tenant for years, of any lands, tenements, or buildings that may be injured by such discontinuance or alteration, or that may be taken or removed, shall receive such recompense for any damages sustained thereby as the parties interested therein and the said city council shall agree upon, or as shall be awarded by arbitration; in case the parties shall submit the same to arbitration, such submission in all cases to be made a rule of court in the circuit court for Jo Daviess county; or, in case of disagreement and refusal of any party to submit to arbitration, such recompense as shall be ordered and decreed by the said circuit court, sitting as a court of chancery, and which recompense or amount of damages shall be ascertained by said court in the following manner: Application to said court, either by said city of Galena, or any party interested in any lands, tenements or buildings, taken, removed, or injured, as owner or tenant for years, shall [be] by petition, addressed to said court, sitting as a court of chancery; which petition shall be filed with the clerk as bills in chancery are, and shall state the facts of the case, and the redress prayed for; and the said court shall have power to make all necessary rules and orders, and to bring all proper persons as parties before said court, in order to make a final decree in and concerning the premises; and said court shall proceed, by the

Discontinuance of streets &amp;c.

Records.

Damages.



examination of witnesses, in open court, and by depositions taken in the cause, to make a final decree and assessment of damages, if any; or, on the application of said city, or any party, may cause the quantum of, or right to, any damages to be assessed by a jury in said court, without formal pleadings, and render a decree accordingly.

**Alteration of streets, or way.** SEC. 28. Whenever any person or persons shall apply to the city council, praying for any alteration of any street, or for the opening of any new street, way, lane, square, wharf or drain, and the said council shall see fit to grant such application, in whole, or in part, it shall be lawful for said city council to settle and adjust, with any person whatever, the amount which shall be assessed and paid to the city of Galena, upon his or their property, by reason of any benefit resulting from such alteration or improvement; and all contracts whatever, in relation to the same, shall be good and valid.

**Consent of inhabitants.** SEC. 29. No street, lane, way, square, wharf or drain, shall be laid out or constructed in, upon, or through any enclosure used or appropriated to the burial of the dead, unless, if the same belong to the city, the consent of the inhabitants be first had and obtained; or, if the same belong to any religious, or other society, unless the consent of such society be had and obtained.

**City council may erect buildings.** SEC. 30. The said city council shall have power and authority to erect, purchase, acquire, hold, maintain, and regulate hospitals, jails, houses of correction, work-houses, markets and other public buildings and places, and shall also have power and authority to construct, or cause to be constructed, aqueducts, or other water-works, for the purposes of bringing water within the said city, and to regulate and maintain the same; for which purposes, private property may be taken and entered upon; compensation for damages actually sustained thereby to be made and adjusted as provided in section twenty-seven.

**Public free bridges.** SEC. 31. The said city council shall have power and authority to build and construct, or cause to be constructed, and to keep in repair and maintain so many public free bridges over and across Fever river and the branches thereof, within said city, as to them shall seem necessary and expedient, any law of this State to the contrary notwithstanding; and lands and buildings may be taken or removed therefor in manner provided in the twenty-seventh section of this act; and they shall have power to regulate the manner in which said bridge or bridges shall be used so as to preserve the same: *Provided*, Nothing in this act shall authorize said city council, or any other person, to ask, demand, or receive any rate or toll of or from any passenger over said bridge or bridges, or of or from any vessel or boat passing the same: *And further provided*, That the said city council shall be holden to make compensation to any person whose land may be appropriated to the use of said bridge or bridges over

**Proviso.**

**Further proviso.**

and across the main river—shall be constructed either with an arch not less than forty-five feet high above ordinary high water, by not less than one hundred feet span, or with a draw not less than sixty feet wide: *And further provided,* That said city council shall afford all necessary and proper accommodation to vessels and boats that have occasion to pass such bridge or bridges by night or day; and if any vessel or boat be unreasonably delayed or hindered in passing the draw of any such bridge or bridges, by the negligence of the said city council, or of their agents, in discharging the duties enjoined upon them by this section, the owner or commander of such vessel shall recover reasonable damage therefor of said city, in action upon the case.

Bridges across  
main river.

Proviso.

Negligence of  
city council  
or their a-  
gents.

SEC. 32. The said city council shall, by virtue of their offices, be trustees of common schools in and for the said city of Galena, and they shall also have full power and authority to establish, maintain, and regulate such schools as they may think proper and expedient; and all money arising from any fund for the support of schools, or for educational purposes, either from the Government of the United States or from the State of Illinois, and to which the inhabitants of Galena may now or hereafter be entitled, shall be paid to the treasurer of the city of Galena, to be expended by said city council, for purposes of education, within the limits of said city, and for no other purpose.

Schools.

SEC. 33. No member of the city council shall, during the period for which he was elected, be directly or indirectly interested in any contract, the expenses or consideration of which are to be paid from the city treasury, under any ordinance of said council: *Provided,* Nothing herein contained shall be construed to prohibit the mayor or any officer of said city from receiving his salary or fee as such officer.

Proviso.

SEC. 34. The city council shall, at least ten days before any annual election under this act, publish, in one or more newspapers in Galena, a full and correct statement of the receipts and expenditures of the city, from the date of the last annual statement, and therein shall set forth the particular amounts received, and from what sources, and the purposes for which the same have been expended, and the amounts due to, and the amounts owned by, said city, together with a particular statement of all city property, and such other information as may be necessary for a full and perfect understanding of the financial concerns of the city.

Notice of election.

Statement of  
receipts and  
expenditures.

SEC. 35. The city council shall, in each year, appoint one or more assessors, a treasurer, a collector, an attorney and solicitor, a city marshal, a superintendent of ways and bridges, and a city clerk, and such other officers as they may deem proper and expedient, and shall define their several duties and tenure of office, regulate and prescribe the mode of appointing deputies, fix and regulate their salaries and fees, and require all persons intrusted with the collection,

Assessors,  
how appointed.

Salaries and  
fees.



**Bond.** custody, or disbursement of the public money or property, to give such bond and sureties as may be necessary to secure accountability in the affairs of said city. And all persons appointed to any office by the city council shall, before entering upon the duties thereof, be sworn or affirmed to the faithful discharge of the duties of said office; and which oath or affirmation shall be made before the mayor of said city, or some judge, or justice of the peace, residing in the county of Jo Daviess, and a certificate of said oath entered upon the journal of proceedings. The city marshal and his deputies, appointed in the manner to be prescribed by the city council, shall possess the same powers and perform the same duties, within the limits of the city, as the constables in the different counties possess and perform, and shall have such further powers, and perform such other duties, as may be prescribed by any ordinance of said city under this act; and, in addition to the fees now chargeable by the constables, said marshal and his deputies may be allowed fifty per cent. thereon.

**All officers to be sworn.**

**City marshal.**

**Fees of city marshal.**

**Ordinance and bye-laws.** SEC. 36. The said city council shall have power and authority to pass all ordinances, or by-laws, and to do all other acts and things necessary to give effect and operation to the powers vested in the said city by this or any former act, or vested in said city, as a municipal corporation, by common law: *Provided*, Such ordinances be not repugnant to the constitution of the United States, nor to the constitution or laws of this State.

**Proviso.**

SEC. 37. The enacting style of all ordinances or by-laws, shall be as follows:

*Be it ordained by the mayor and aldermen of the city council of Galena, in council.* And all such ordinances and by-laws shall be signed by the mayor, or, in case of his absence from the city, by the chairman of the meeting, and the clerk of the city shall countersign the same, and certify the day of the passage thereof; and such ordinances shall not take effect till the tenth day after the same have been published in some newspaper in Galena, or posted up in three of the most public places of said city. And all ordinances and by-laws, so passed and published, shall be binding upon and against all persons coming within the limits of said city, as well as upon the inhabitants thereof.

**Enacting style of all ordinances.**

**To be signed by mayor.**

**Countersigned by clerk.**

**When to take effect.**

**Evidence.** SEC. 38. All copies of such ordinances or by-laws, certified by the clerk or mayor, under the seal of said corporation, and all printed copies of the same, purporting to be printed by authority of the city council, shall be evidence in all courts whatever; and all transcripts from the record or journal of the proceedings of the said city council, or of the said president and trustees of the town of Galena, certified by the mayor or clerk of the city, under the seal of the corporation, shall be evidence in all courts whatever, in the same manner as if the original were produced.



SEC. 39. The said city council may impose a fine or forfeiture, not exceeding one hundred dollars for any one of- Fines and forfeitures. fence, upon the breach or violation of any ordinance or by-law of said city, or upon the neglect or violation of any duty imposed by such by-law or ordinance, and may also punish such violation or neglect by imprisonment, not exceeding ten days, either in lieu of or in addition to such fine or forfeiture; and all fines, forfeitures or penalties imposed by this act, or by this ordinance or by-laws of said city, may be sued for and recovered in the name of the said city, before any justice of the peace residing within the limits of said city, by action of debt, or otherwise; and it shall be the duty of any justice of the peace residing in said city, and he is hereby authorized and empowered, on complaint being made to him, on oath, of the violation of any law or ordinance of said city, or of the neglect or violation of any duty imposed Complaint on oath. thereby, to issue his warrant, directed to the city marshal or his deputy, or, in their absence, to any authorized county officer, to apprehend the offender or offenders, and bring him or them forthwith before him; and if after hearing the evidence it shall appear that the accused has been guilty of the violation of any such law or ordinance of said city, of neglect or violation of any duty imposed thereby, to impose such fine or imprisonment as may be pointed out in such by-law or ordinance. And in all cases, execution for the amount of such fine, forfeiture, or pecuniary penalty, with costs, shall issue Execution to issue. forthwith against the goods, chattels, and body of the person or persons convicted; which execution shall be levied on the goods and chattels of the offender or offenders; and if no such goods or chattels be found, he or they may be taken and imprisoned, in addition to any imprisonment imposed by Inprisonment. such ordinance or by-law, or by the court or magistrates as above provided, in the county or city jail, forty-eight hours for the first ten dollars of such fine, forfeiture, or pecuniary penalty, and twenty-four hours for each additional ten dollars thereof: *Provided, however,* That writs of *certiorari* and Proviso. appeals shall be granted from judgments under this act, as in other civil cases; and in all cases under this act, the defendant shall be entitled to an appeal to the circuit court, by Defendant may appeal to circuit court. entering into bond or recognizance, as the case may require, before the clerk of the circuit court of Jo Daviess county, within twenty days after the rendition of the judgment, with such security and in such an amount as the clerk may think right and proper.

SEC. 40. In all cases where the penalty shall be pecuniary alone, and shall not exceed twenty dollars, the matter shall be tried and determined by the magistrate; in all other cases, either party shall be entitled to a jury.

SEC. 41. No trial shall be continued on the application of Continuation of trials. the defendant, unless the defendant enter into recognizance to the said city, with one or more sufficient securities, inhab-

itants of said city, conditioned for said defendant's appearance pursuant to such continuance.

SEC. 42. No person shall be disqualified from being a judge, juror, witness, or officer, in any suit or action whatever under this act, or under any ordinance of the city council, by reason of any interest he may have as an inhabitant of said city, or as an officer thereof, in common with other inhabitants of said city, in any money or property to be recovered thereby.

Roads to be kept in repair.

SEC. 43. The said city council shall keep in repair all necessary public roads within the limits of said city, and one mile from the centre thereof; and for that purpose shall have full and exclusive power and authority to call on all able-bodied men, over the age of twenty-one years, residing in said city, to perform three days' labor on the roads and ways of the said city, and within one mile of the centre thereof, or to pay into the city treasury the sum of one dollar for each day any person shall omit or refuse to labor; and said city shall have power to sue for and collect the same.

Refusal to work on streets.

SEC. 44. Whenever, from any cause, the annual election of mayor and aldermen shall not be duly held on the first Monday of March, it shall be lawful for said inhabitants to hold the same at any day thereafter, upon the required notice being given.

Act deemed public.

SEC. 45. This act to be a public act, and to take effect from and after the time the same shall be accepted by a vote of the majority of the inhabitants of said city. And the president and trustees of the town of Galena shall, at as early a day as practicable after the passage of this act, cause the same to be published in all the newspapers in Galena, and, by at least ten days notice, call upon voters qualified by this act to vote, at such time and place, and in such manner as shall be directed in said notice, for or against the acceptance of this act. And the said president and trustees shall appoint judges of said election, as in other elections; and the said president and trustees shall forthwith, by public notice, declare the result of said election, and, if this act be accepted, shall fix and declare a day of election for city officers, and a day for the organization of city government.

To be accepted by inhabitants.

Judges of elections.

APPROVED, 15th February, 1839.



AN ACT to amend the act, entitled "An act for the relief of Nathaniel Pope and others, approved, 21st July, 1837." In force, Jan 18, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the commissioners, Nathaniel Buckmaster, John B. Hundley, and Sherman W. Robbins, appointed by the circuit court of Madison county, under the provisions of the act to which this is an amendment, to sell certain lots and lands in the city of Alton, are hereby authorized and required to set apart and assign, according to law, to Abial Easton, widow of Rufus Easton, deceased, her dower to certain lots and lands in the said city of Alton; the same being the said lots and land conveyed by said Rufus Easton to Nathaniel Pope and others, and bounded on the west by Market street in the city of Alton; on the east, by the line running north and south, between sections eleven and twelve, and thirteen and fourteen, in township, number five, north of range number ten, west of the third principal meridian; and on the south, by the Mississippi river. Said commissioners shall notify the said Abial Easton of the time and place of acting under this section, at least ten days before such action; but if she cannot be found so as to serve such notice, then the notice, published for four weeks in some newspaper published in Alton, shall be equivalent to personal service. Commis'n'rs appointed by Cir. Court to set apart certain lots in Alton.  
  
Comm'rs to notify said widow.  
  
If not found, public notice equivalent to personal service.

SEC. 2. When the dower shall have been assigned as aforesaid, the reversionary interest in the lots and land assigned shall be sold by the said commissioners, at the time, upon the terms, and in the manner, that the other lots and land are required to be sold.

SEC. 3. The sale authorized by this, and the act to which this is an amendment, shall take place at any time after notice given, as required by the act to which this is an amendment, any thing in said act to the contrary notwithstanding. Time of sale.

SEC. 4. Each purchaser shall deposit the purchase money, or a certificate of interest obtained under the provisions of the act to which this is an amendment, in the branch of the State Bank of Illinois, at Alton, in favor of the State; and the certificate of the cashier of said branch bank, of such deposit shall be received by the commissioners as so much cash. Purchaser to deposit in br bank at Alton

SEC. 5. When the commissioners shall have made the sale required of them, and reported to the court, if their proceedings and report shall be ratified and confirmed by the court, an order shall be made requiring a complete copy of the record and proceedings in the cause to be made out, certified by the clerk, and filed in the office of the Auditor of Public Accounts of the State. The court shall also make an order requiring the costs to be paid by the several parties in interest according to their respective interests; and a statement of the costs shall be certified to the Auditor with the Court to make order for copy of record to be filed with Auditor of Public Accounts.



Master in  
chancery to  
execute deeds  
of convey-  
ance.

record aforesaid. The court shall also make an order requiring the master in chancery of said court to execute deeds of conveyance to purchasers, upon the payment of the purchase money; which order shall confer the authority to convey upon the master in chancery who may be in office at the time the conveyance may be required; and the conveyance thus made shall operate to vest a complete legal title in the purchaser.

All accounts  
to be audited  
by Aud. Pub.  
Accounts.

SEC. 6. From the record filed with the Auditor of Public Accounts, the accounts of all parties in interest shall be audited by the Auditor of Public Accounts, and the amount due each party shall be paid out of the funds deposited in the branch bank aforesaid, upon the order of the Auditor; but the costs shall be first paid, and deducted from the dividends of the parties in interest, upon the order of the Auditor.

Costs how  
paid.

Part of act  
repealed.

SEC. 7. So much of the act to which this is an amendment, as requires the commissioners to give bond and security, and all other parts of said act inconsistent with this act is hereby repealed.

This bill having remained with the Council of Revision ten days, and the General Assembly being in session, it has become a law, this eighteenth day of January, 1839.

A. P. FIELD, *Secretary of State.*

In force, Jan.  
12, 1839.

AN ACT legalizing the assessment of the property taken in the county of Peoria for 1838.

Preamble.

WHEREAS, by the revenue laws now in force within this State, it is made the duty of the treasurers of the several counties to complete their lists of taxable property, and make return to the clerks of the county commissioners' courts, on or before the first of July annually: *and whereas*, by the appointment of a treasurer, in and for the county of Peoria, on the sixteenth of May, 1838, rendering it impossible for said treasurer to complete his list and make returns as required by law: Therefore,

Assessment  
of Treasurer  
of Peoria for  
1838 valid.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the assessment taken by Ralph Hamlin, as treasurer of Peoria county, for the year 1838, be and the same is hereby declared good, valid, and in every respect legal, whether taken and the returns made before or after the first of July: *Provided*, The same was legally taken in other respects; and said assessment and return shall not be set aside, or held to be null and void, for the causes above stated, any law to the contrary notwithstanding.

Proviso.

APPROVED, January 12, 1839.

AN ACT legalizing process issued by Judges and Justices of Probate. In force, Jan. 7, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That letters of administration, letters testamentary, and all process, certificates, and all other papers, made or issued by judges of probate, or justices of probate, to which the private seal of such judge or justice is or may be affixed, because of their being no public seal, shall be as valid, to all intents and purposes, as though a public seal had been used; and the provisions of this act shall be considered retrospective as well as prospective.

APPROVED, January 7, 1839.

AN ACT to authorize Committees of the General Assembly to swear In force, Jan. 7, 1839.  
witnesses.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the chairman, or any member of any committee appointed by either branch of the General Assembly of the State of Illinois, or any member of any joint committee appointed by the two Houses of the General Assembly aforesaid, shall be authorized, under the direction of such committee, to administer oaths and affirmations to witnesses called before such committee for the purpose of giving evidence touching any matter or thing which may be under the consideration or investigation of the committee; and oaths and affirmations, administered as aforesaid, shall be deemed and considered as having been administered lawfully.

APPROVED, January 7, 1839.

AN ACT for the relief of the securities of Thomas Moore.

In force, Feb. 6, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Austin Woodman, Hugh Jackson, Jabez Heaton, Joseph Johnson, William Carlin, Elijah Jett, Mathias S. Link, and Hiram Keach, be, and the same are hereby released from the recognizance by them entered into as securities of Thomas Moore, in a case of the People of the State of Illinois against said Moore, now pending in the circuit court of Greene county; and they or either of them are authorized to plead this act in bar to any proceeding on said recognizance bond: *Provided,* That said securities shall pay all costs accruing in proceeding upon the recognizance.

SEC. 2. This act to be and remain in force from and after its passage.

APPROVED, February 6, 1839.

In force, Dec.  
19, 1838.

AN ACT making partial appropriations.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Auditor of Public Accounts be, and he is hereby, required to draw his warrant on the treasury, for the sum of one hundred dollars, to each member of the General Assembly, and a like warrant to the Speaker of each House, the Secretary of the Senate, and the Clerk of the House of Representatives, and Assistant Clerks of each House, to each of the Enrolling and Engrossing Clerks, and door-keepers of both Houses.

APPROVED, December 19, 1838.

In force, Jan. 12, 1839. AN ACT authorizing the Governor to commission the Sheriff of Peoria county.

Preamble.

WHEREAS, by an act passed on the twenty-first day of July, 1837, the sheriff of the county of Peoria, is required to pay into the treasury of said county the resident land tax, in lieu of a certain sum drawn from the State treasury prior to that date; and whereas, by a construction placed upon said act by the county commissioners of said county, the sheriff was required to pay into the county treasury the amount of tax collected on lands listed as resident lands, and lying in other counties; and whereas the said sheriff, in accordance with such construction, did pay into the county treasury the whole amount of the tax collected by him on lands lying in other counties, thereby rendering himself in arrears to the State treasury: Therefore,

Power of  
Governor to  
commission  
sheriff of  
Peoria.

**SEC. 1.** *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That the Governor is hereby authorized and required to commission the said sheriff of Peoria county, who was elected at the August election, notwithstanding he was in arrears with the State at the time of his election: *Provided,* the said sheriff elect shall, within twenty days from the passage of this act, procure from the Auditor a quietus or certificate that he is not now in arrears with the State.

APPROVED, January 12, 1839.

In force, Jan. 12, 1839. AN ACT to change the name of the town of Geneva, in the county of Warren.

**SEC. 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the name of the town of Geneva, in the county of Warren be, and the same is, hereby changed to that of Bedford.

APPROVED, January 12, 1839.



AN ACT to repeal part of an act, entitled "An act to provide for the sale of certain canal lands, and for other purposes." In force, Jan. 5, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the tenth section of an act, entitled "An act to provide for the sale of certain canal lands, and for other purposes," approved twenty-first of July, 1837, as provides that the loan therein mentioned should not be made until the whole of the means, available under existing laws, should first be exhausted, be, and the same is hereby, repealed. Part of 10th sec. repealed.

APPROVED, January 5, 1839.

AN ACT authorizing a certain Loan for canal purposes.

In force, Jan. 21, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Fund Commissioners of the State of Illinois are hereby authorized to loan the Illinois and Michigan canal fund the sum of three hundred thousand dollars, authorized to be borrowed by the act, entitled, "An act to provide for the sale of certain canal lands, and for other purposes," approved on the twenty-first day of July, one thousand eight hundred and thirty-seven; said loan to be refunded on or before the first day of June next, with interest, at the rate of six per cent. per annum, from the date of the loan to the time of payment. Fund com'rs authorized to loan \$300,000 to canal fund.  
Loan, when to be paid. Interest.

APPROVED, January 21, 1839.

AN ACT for the amending the act, entitled "An act to provide for the election of justices of the peace and constables, approved 30th December, 1826." In force, Jan. 12, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That justices of the peace, to whom the dockets and papers of other justices have been, or may hereafter be, transferred or delivered, because of the resignation, removal, death, or expiration of the term of service of the justice whose dockets and papers have been or may be transferred as aforesaid, shall be authorized to issue executions upon all judgments remaining unsatisfied upon such dockets, and proceed in the collection thereof as though such judgments had been rendered by the justice having possession of such docket and papers. Justices to issue executions when not satisfied, on deceased justices' dockets.

APPROVED, January 12, 1839.

In force, Jan. 12, 1839. AN ACT to amend an act, entitled "An act to prevent trespasses by cutting timber, approved twenty-seventh of February, 1819."

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act to which this is an amendment shall be deemed and held as conferring jurisdiction upon justices of the peace, to hear and determine causes arising under said act, in the manner therein provided, when the amount claimed does not exceed one hundred dollars.

APPROVED, January 12, 1839.

In force, Jan. 12, 1839. AN ACT to provide for settling the accounts between the State and the Illinois and Michigan Canal.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That, in order to ascertain the full amount expended by the State in the construction of the Illinois and Michigan canal, and in the preliminary steps taken by the State in relation thereto, and to perpetuate the evidence of said expenditure, the Auditor of Public Accounts shall open an account, in a book to be provided for that purpose, between the State and canal, with each and every sum of money heretofore paid out of the State treasury for the use or on account of said canal, noting the date and amount of each payment, and referring to the law or resolution under which it was made, and credit the canal with each and every sum of money received into the treasury belonging to the canal fund, noting the date and the amount, and referring to the law or resolution under which the money was raised; and also, by one dollar and twenty-five cents per acre, for all canal lands donated or granted to individuals by the State, referring to the law making such donation or grant.

SEC. 2. In making the account required by the foregoing section, interest shall be charged upon the debits and credits at the rate of six per cent. per annum, and shall be added to the principal annually; and the said account shall be continued to the ninth day of January, one thousand eight hundred and thirty-six; at which time the balance shall be ascertained and struck; and from that date the balance struck shall bear interest, at the rate of six per cent. per annum, until paid.

Auditor shall notify Governor.

Duty of Gov. to examine accounts.

SEC. 3. When said accounts shall be completed, the Auditor shall notify the Governor thereof, who shall carefully examine the same, and after correcting errors, if any be discovered, the Governor shall certify, at the footing of said account, that upon a careful examination he has found the said account to be correctly stated; and the amount thus stated and certified shall be conclusive evidence between the State and the said canal fund, as to the state of accounts between the State and said canal.

APPROVED, January 12, 1839.



AN ACT to establish the county of Marshall.

In force, Jan  
19, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that tract of country lying within the following boundaries, to wit: Beginning at the northeast corner of township number thirty north, of range one, west of the third principal meridian; running thence south on the third meridian line to the southeast corner of township twenty-nine north, of range one west; thence, west on the line dividing township twenty-eight and twenty-nine north, the southern boundary line of Putnam county, to the Illinois river; thence, continuing with the southern boundary of Putnam county across the Illinois river westward, on the line dividing townships eleven and twelve north, to the southwest corner of township twelve north, of range eight, east of the fourth principal meridian; thence, north, on the range line between ranges seven and eight, to the northwest corner of township thirteen north, of range eight, east of the fourth principal meridian; thence east, with the line dividing townships thirteen and fourteen north, to the Illinois river; thence down the river to the northwest corner of township number thirty north, of range two, west of the third principal meridian; and thence, on the line dividing townships thirty and thirty-one north, to the place of beginning; shall be erected into a new county, to be called the county of Marshall.

Boundaries  
of a new co.  
to be called  
Marshall.

SEC. 2. That William Ogle of Putnam county, D. G. Sailsbury of Bureau county, and Campbell Wakefield of McLean county, are hereby appointed commissioners to locate the seat of justice for the said new county. The said commissioners, or a majority of them, shall meet at the town of Lacon, on the first Monday of April next, or as soon thereafter as may be; and being first duly sworn, before some justice of the peace, faithfully to take into consideration the convenience of the people, the situation of the settlements, with an eye to future population and eligibility of the place, shall proceed to locate the county seat of said county. If said commissioners shall select any town already laid off, they shall require the proprietors or owners of said town to donate to said new county of Marshall, for the purpose of erecting public buildings, a quantity of lots of an average value with the remaining ones, which together shall amount to twenty acres of land, or shall donate and give, in lieu thereof, the sum of five thousand dollars, to be paid, by three equal instalments, to the county commissioners within eighteen months from the time the county seat shall be located; and if said commissioners should locate said county seat on land not having been laid off into town lots, they shall secure the title to a quantity of land, not less than twenty acres, to and for the use of said new county, and on which the public buildings shall be erected.

Commission-  
ers to locate  
county seat.

Time and  
place of meet-  
ing.  
To be sworn.

Should town  
be selected,  
owners there-  
of shall donate  
certain lots;  
or, in lieu of  
lots, \$5,000.

If county seat  
is located on  
land not laid  
off in lots, 20  
acres to be re-  
served for use  
of said county



**Election for county officers**      **SEC. 3.** That the legal voters of the said county of Marshall shall meet at the respective places of holding elections, the last Monday in February next, and proceed to elect county officers; and returns of said elections shall be made by the judges and clerks to the justices of the peace within the said county. Said justices shall meet at the town of Lacon within seven days after the said election, and proceed to open the returns; and in all things perform the duties required by law of the clerks of commissioners' courts, and justices of the peace in like cases.

**Returns of election to be made by justices.**      **SEC. 4.** That the county commissioners elected under this act shall meet at the town of Lacon within ten days after their election, and, being first duly qualified, shall proceed to appoint a clerk, and lay off the county into justices' districts; and all officers elected under the provisions of this act shall be commissioned and qualified as required by law; shall hold their offices until the next general election, and until their successors are qualified.

**County Commissioners, when & where to meet.**      **SEC. 5.** The courts of said county shall be held at such place as the county commissioners shall designate, until a suitable preparation can be made at the county seat. Said county shall constitute a part of the sixth judicial circuit; and the circuit court shall be held for said county twice in each year, at such time as the judge of the said circuit may designate.

**Courts of co., when and where held.**      **SEC. 6.** The qualified voters of the county of Marshall in all elections, except county elections, shall vote with the district to which they belong until otherwise provided by law, but shall make election returns to the Secretary of State in the same manner that is required by law from other counties in this State.

**Marshall part of 6th judicial circuit.**      **SEC. 7.** The commissioners appointed by this act to locate the county seat shall each be paid the sum of three dollars per day, out of the county treasury of said county, for each day they may be employed in making the said location.

**Court twice each year.**      **SEC. 8.** It shall be the duty of the clerks of the commissioners' courts of the said county of Marshall and the county of Bureau to make returns of election for representatives to the clerk of the county of Putnam; and the returns for Senator to the clerk of the county of Peoria; and shall proceed to compare said election returns as is now required by law in other senatorial and representative districts.

**Time set by judge.**      **SEC. 9.** That the county of Bureau and Henry shall extend north to the line dividing townships eighteen and nineteen north. This act to be in force from and after its passage.

**County shall vote with district in all elections except county.**      **SEC. 10.** The justices of the peace, or any one of them, residing within the county of Marshall, are hereby authorized and required to give at least fifteen days' notice of the time and place of holding the election required to be held under the provisions of this act, by posting up written or

**Pay of com's for locating county seat.**

**Marshall and Bureau to make returns for Rep. to co of Putnam. For Senator Peoria.**

**Extension of counties of Bureau and Henry.**

**Notice of time and place of holding elections.**

printed notices of said election, at the place of holding elections in the different election precincts in said county.

SEC. 11. The county of Marshall shall be entitled to one-third part of the money which has been or may be paid to the county of Putnam under the provisions of the act, entitled "An act to establish and maintain a general system of Internal Improvements," approved February 27, 1837, appropriating two hundred thousand dollars to those counties through which no railroad or canal was authorized to be constructed by said act; and if the money has not been paid to the county of Putnam, the Fund Commissioners shall pay the said one-third to the county of Marshall; but, if payment has been made to said county of Putnam, the county commissioners of Putnam county shall make the aforesaid payment.

County of Marshall entitled to  $\frac{1}{3}$  part of money due Putnam.

If not paid, fund commissioners pay to co. Marshall.

APPROVED, January, 19, 1839.

AN ACT legalizing the survey of certain State roads therein named.

In force, Feb. 26, 1839.  
Preamble.

WHEREAS, by an act of the General Assembly of the State of Illinois, approved the thirty-first day of January, 1837, entitled "An act to locate a State road from Peoria, in Peoria county to Knoxville, in Knox county, and for other purposes;" and on the tenth of February, 1837, entitled, "An act to establish a State road from Peoria to Hendersonville," commissioners were appointed to locate said road; and whereas said commissioners therein appointed did proceed to view, survey, and locate said roads, and make suitable plats and returns of said roads to the several county commissioners' courts through which the said roads passed, which were approved of and accepted by the said courts, and therein made a matter of record: Therefore,

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said plats and surveys, as accepted by the said courts be, and the same are hereby, declared to be legal and valid in all respects; and shall not be set aside, or held to be void and of no effect, on account of any informality in said plats, surveys, &c. And the said roads be laid off and located by the said commissioners, agreeably to said plats and surveys, shall be deemed and considered State roads, and the supervisors of the several districts through which the same may pass are hereby required to open, work, and keep the same in good repair as the law requires.

Plats declared legal.

State roads shall be worked.

APPROVED, February 26, 1839.



In force, Jan.  
19, 1839.

AN ACT making an appropriation for the Penitentiary.

Appropriation  
of \$2,300.

How disbursed.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of twenty-three hundred dollars be, and the same is hereby, appropriated for the following purposes, to wit: First, to pay the sum of ten hundred and thirty-seven dollars and thirty-six cents, being the amount loaned by the Inspectors of the penitentiary to the superintendent of the building fund. Second, to pay the superintendent of said penitentiary, the sum of five hundred and sixty-five dollars and sixty-three cents, being the amount expended by him out of his own funds for the use of said penitentiary. Third, to pay said superintendent of the penitentiary his salary, from the eighteenth of August, one thousand eight hundred and thirty-eight, at the rate of eight hundred dollars per annum, till otherwise ordered by the Inspectors of said penitentiary, or provided for by law. Fourth, the balance of said appropriation of twenty-three hundred dollars shall constitute a fund to defray the incidental expenses of said penitentiary, from and after the twenty-second of November, 1838.

Subject to order of Inspectors who shall report to Gen. Assembly.

SEC. 2. The above appropriation shall be subject to the order and direction of the Inspectors of the penitentiary; and a detailed statement of the manner in which they expended the same shall be laid before the next General Assembly.

Duty of Auditor.

SEC. 3. The Auditor of Public Accounts is hereby authorized to draw his order on the Treasurer of the State, in favor of the Inspectors of the penitentiary, upon their application for the aforesaid appropriation.

APPROVED, January 19, 1839.

In force, Jan.  
18, 1839.

AN ACT for the relief of the late Warden of the Penitentiary.

Auditor to issue warrant for \$200.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Auditor of Public Accounts be, and he is hereby, required to issue his warrant on the treasury in favor of the late Warden of the penitentiary for two hundred dollars.

In full of all claims.

SEC. 2. The money so appropriated shall be the full receipt and acquittal for all the said Warden may claim for emoluments and services, arising to him, and performed by him, during the time the said Warden was elected to said office.

APPROVED, January 18, 1839.



AN ACT making an appropriation for the completion and furnishing of the State House at Springfield. In force, Jan. 12, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of one hundred and twenty-eight thousand and three hundred dollars be, and the same is hereby, appropriated to defray the expenses of finishing the same, and the offices attached thereto, with necessary furniture for the use of said house and offices. Said sum payable out of any money in the treasury not otherwise appropriated. \$128,300 appropriated for State House.

SEC. 2. The commissioners appointed to superintend the erection of public buildings at Springfield shall proceed, without delay, to cause the said buildings to be completed in the manner, upon the plan, and with materials heretofore agreed upon by said commissioners. Duty of commissioners.

SEC. 3. The appropriation hereby made shall be paid out in the manner, and at the times hereinafter specified. The commissioners shall, upon the passage of this act, and quarterly thereafter, make a report to the Governor stating to him the amount of money which will be required for use during the next three months; and the amount expended during the preceding three months; and upon the reception of said report, the Governor shall make an order on the Auditor requiring him to issue a warrant upon the treasury for the amount so required. The warrant shall be payable at the State Bank of Illinois, to the order of the commissioners. Appropriation how paid  
Gov. make an order on Auditor for warrant.

SEC. 4. The commissioners shall deposite all orders issued in their favor in the State Bank, and the money shall be paid out by the Bank upon the orders of said commissioners. Further duty of com'rs.

SEC. 5. The commissioners shall, instead of paying out money, make orders or checks upon the Bank in favor of all persons to whom money may be due; and shall state, on the face of such orders or checks, the consideration for which they were given, and shall be so written as that the signature of the payee upon the back shall make the order or check operate as a receipt from the payee to the State as well as to the Bank. Com'rs to issue checks on State Bank.

SEC. 6. In case any or all the commissioners appointed to superintend the erection of public buildings shall die, resign, or refuse to act, the Governor shall appoint a successor or successors. Gov. to appoint com'rs.

APPROVED; January 12, 1839.

AN ACT to provide for the collection of demands growing out of contracts for sales of the possession of the public lands. In force, Feb. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all contracts, promises, assumpsits, or undertakings in writing, which shall here- Contracts for claimed lands valid.

after be made in good faith and without fraud, collusion, or circumvention, for sale, purchase or payment to be made for the possession of claimed lands owned by the Government of the United States, shall be deemed valid in law and equity, and may be sued for and recovered as in other cases.

Sales of improvements on public land.

SEC. 2. That the act, entitled "An act to provide for the collection of demands growing out of contracts for sales of improvements on public lands," approved February fifteenth, 1831, be hereafter construed to apply as well to contracts, promises, assumpsits, or undertakings, made subsequent as to those made previous to the purchase of said lands from the Government of the United States.

This bill having remained with the Council of Revision ten days, and the General Assembly being in session, it has become a law this second day of February, 1839.

A. P. FIELD, *Secretary of State.*

In force, Jan. 18, 1838. AN ACT to vacate the plat of the town of Peru, in the county of McLean.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in General Assembly,* That the entire plat of the town of Peru, in the county of McLean, as originally laid off and recorded, is hereby declared to be vacated. This act to be in force from and after its passage.

This bill having remained with the Council of Revision ten days, and the General Assembly being in session, it has become a law this eighteenth day of January, 1839.

A. P. FIELD, *Secretary of State.*

In force, Feb. 1, 1839. AN ACT to permit William Jackson to insert a middle letter in his name

Willim Jackson to be known as William M. Jackson.

SEC. 1. *Be it enacted by the People of the State Illinois, represented in the General Assembly,* That William Jackson of McHenry county be, and he is hereby, authorized to insert in his name the letter M between William and Jackson, so that his name will read as follows, to wit: William M. Jackson; by which name he shall hereafter be known and designated by and from his fellows, both in law and equity. This act shall take effect from and after its passage.

APPROVED, February 1, 1839.

AN ACT to vacate the survey and plat of Garrit's addition to the town of Peoria, and also to vacate the plat of the town of Hudson, and for other purposes. In force January 18, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the proprietor of the town [plat] of Garrit's addition to the town of Peoria, in the county of Peoria, be, and he is hereby, authorized to vacate the survey and plat of said town, or any part thereof: *Provided, however,* That the consent of the owners of lots in said town, (should there be any other than the original proprietor) shall first be obtained. Plat of town vacated.  
Proviso.

SEC. 2. The proprietor or proprietors of the town of Hudson, in the county of Peoria, be, and they are hereby, authorized to vacate the survey and plat of so much of said town as remains unsold by the said original proprietors, saving to all purchasers from said proprietors, or others, all legal rights accruing to them by virtue of such purchase.

SEC. 3. The proprietor of Heaton's addition to the town of Knoxville, in the county of Knox, be, and he is hereby, authorized to vacate the survey and plat of said addition, or any part thereof: *Provided, however,* That the consent of the owners of lots in said additions, should there be any other than the original proprietor, shall first be obtained. Heaton's addition to town of Knoxville vacated.

APPROVED, January 18, 1839.

AN ACT to change part of a certain State road in Morgan county. In force January 24, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Jesse W. Bull and Solomon Hart, of Morgan county, be, and they are hereby, appointed commissioners to review and relocate that part of the State road from Jacksonville, in Morgan county, to Carlinville, in Macoupin county, that lies between Charles Hart's and the bridge on Big Apple creek, on said road; and said commissioners shall meet at Matthew Cyrus', immediately after being notified of their appointment, and upon being sworn before some justice of the peace, faithfully and impartially to perform the duties required of them, proceed to review and relocate said road upon the most eligible route; and after making such relocation, they shall make a report thereof to the county commissioners' court of Morgan county, for the approval of said court; and upon the approval thereof by said court, the road located shall be the State road, and the former road, so far as changed, shall be vacated; and the county commissioners' court of Morgan county shall allow said commissioners a reasonable compensation for their services. Commissioners appointed to review and relocate part of State road.  
Commissioners when and where to meet.  
To be sworn.  
Report to be made to county commissioners' court for approval.  
Compensation of commissioners.

APPROVED, January 24, 1839.



In force Jan AN ACT to amend an act, entitled "An act prescribing the mode of proceeding in Chancery."  
uary 24, 1839.

When execution is returned unsatisfied, bill in chancery may be filed.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever an execution against the property of a defendant shall have been issued, on a judgment at law or in equity, and shall have been returned unsatisfied in whole or in part, the party suing out such execution may file a bill in chancery against such defendant, and any other person, to compel the discovery of any property, or thing in action, belonging to the defendant; and if any property, money, or thing in action, due to him, or had in trust for him, and to prevent the transfer of any such property, money, or thing in action, or the payment or delivery thereof to the defendant, except when such trust has been created by, or the fund so held in trust has proceeded from, some person other than the defendant himself.

Power of court to compel discovery of property.

SEC. 2. The court shall have power to compel such discovery, and to prevent such transfer, payment or delivery. and to decree satisfaction of the sum remaining due on such judgments, out of any personal property, money, or things in action belonging to the defendant, or held in trust for him, with the exception above stated, which shall be discovered by the proceedings in chancery, whether the same were originally liable to be taken in execution at law or not.

Set-offs allowed.

SEC. 3. In suits for the payment or recovery of money, set-offs shall be allowed in the same manner, and with the like effect, as in actions at law.

Bill when filed for other purposes.

SEC. 4. When a bill shall be filed in the court of chancery other than for discovery only, the complainant may waive the necessity of the answer being made on the oath of the defendant; and, in such cases, the answer may be made without oath, and shall have no other or greater force as evidence than the bill.

APPROVED, January 24, 1839.

In force January 24, 1839.

AN ACT to repeal a certain act therein named.

Act repealed.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act, entitled "An act to encourage education in township five south, range six east, of the third principal meridian," approved July twenty-first, 1837, be, and the same is hereby repealed. This act to be in force from its passage.

APPROVED, January 24, 1839.

AN ACT to relocate a part of a certain State road therein named.

In force, Jan.  
24, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Jesse Neice and James Edmonston be, and they are hereby, appointed to review, mark, and locate, so much of the State road leading from Beardstown, in Cass county, to the head of the Des Moines Rapids, in Hancock county, as passes through the northwest quarter of section thirty, in township five north, of range three west. Com'rs appointed to review and relocate part of State road.

SEC. 2. The said commissioners shall meet at the house of James M'Cown, on the first Monday in May next, or within six months thereafter, and shall proceed to review, mark and relocate so much of the aforesaid road as above, doing as little injury to said quarter section of land as the public good will permit. A plat of said road, when reviewed, shall be made out by said commissioners, and by them filed in the clerk's office of the county commissioners' court of M'Donough county, which shall be recorded in said office; which new road, when located, shall be opened and kept in repair as other State roads, and so much of the present road as is relocated shall be, and is hereby, vacated after said relocation: and the county commissioners' court of said county shall allow said road commissioners a reasonable compensation for their trouble, to be paid out of the county treasury. This act to take effect from and after its passage. Time and place of meeting.  
  
Plat to be filed with clk of co. com'rs' court of M'Donough co. which shall be recorded.  
Road vacated.

APPROVED, January 24, 1839

AN ACT to increase the number of justices' districts in the county of Greene. In force, Jan.  
24, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That all that district of country included within the corporate limits of the town of Grafton, in Greene county, Illinois, be, and the same is hereby, constituted into a district for the election of a justice of the peace and one constable. Justice's district formed.

SEC. 2. That the county commissioners' court of Greene county is hereby authorized and required to cause an election to be held hereafter, as soon as practicable, and at each quadrennial election thereafter, for one justice of the peace and one constable in said district. The justice of the peace and constable, elected under the provisions of this act, shall hold their offices until the next general election for justices of the peace and constables, at which time their successors shall be elected as in other cases; and the persons thus elected shall have and exercise the same jurisdiction, hold their offices by the same tenure, and be under the same regulations, in all respects, as other justices of the peace and con- Co. com'rs to cause election to be held.  
  
Jurisdiction.

stables of this State. This act to take effect and be in force from and after its passage.

APPROVED, January 24, 1839.

In force, Jan. 24, 1839. AN ACT to change the name of the town of Vienna, in the county of Fulton.

Name of town of Vienna changed to Astoria.  
Contracts not affected.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That from and after the passage of this act, all that part of the county of Fulton on which the town of Vienna is situated, and which is embraced in the recorded plat thereof, shall hereafter be known by the name of Astoria: *Provided, however,* That the change of the name of said town shall in nowise affect contracts or conveyances heretofore made or entered into, or any other legal transaction or business whatever. This act to take effect and be in force from and after its passage.

APPROVED, January 24, 1839.

In force, Feb. 1, 1839.

AN ACT for the relief of Robert Davis and others.

Securities of Jas. Davis, cl'k co. com. c't Pike co.

May stay execution.

In case of default.

Proviso. Further proviso.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That upon the confession of a judgment before the Supreme Court by the securities of James Davis, late clerk of the county commissioners' court of Pike county, for the amounts due from said Davis to the State, the Auditor of Public Accounts is authorized to stay execution upon said judgment twelve months; and if five hundred dollars of the amount then due be paid, the execution may be stayed twelve months longer; and if one-half of the amount then due be paid, the execution may be stayed twelve months longer: but if default be made in any one of the payments, execution to issue upon the judgment, and credited by payments as though no stay had been allowed: *Provided,* That the costs shall be paid in advance: *And provided, also,* That the confession of judgment shall be had at the term of the Supreme Court now in session.

APPROVED, February 1, 1839.

In force, Feb. 1, 1839. AN ACT to create the county of Brown out of the county of Schuyler.

Boundary of the county of Brown.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that tract of country lying and being within the following boundaries, to wit: Beginning at the southwest corner of township two south, of range four west, of the fourth principal meridian;



thence east to the Illinois river; thence up said river to the mouth of Crooked creek; thence up said creek to the township line between townships one and two north; thence west to the range line between four and five west of the meridian aforesaid; thence south with said range line to the place of beginning, shall constitute a new county to be called the county of Brown.

SEC. 2. That John M. Campbell of Schuyler county, John B. Curle of Adams county, and William W. Baily of McDonough county, be, and they are hereby, appointed commissioners to locate the seat of justice for said county: the said commissioners, or a majority of them, shall meet at the town of Mount Sterling, on the first Monday in June next, or within twenty days thereafter; and after being duly sworn before some justice of the peace, faithfully to perform the duties required of them by this act, shall proceed to locate and establish a permanent seat of justice of said county, having due regard to the geographical situation, present and future population, as well as donations which may be offered for the erection of public buildings; and if any donations shall be made for the purposes aforesaid, the said commissioners shall do and perform such acts and things as they may deem necessary, to secure the payment thereof to the county commissioners' court of said county, for the use of said county.

Comm'rs to locate county seat, appointed.

Time & place of meeting.

To be sworn.

Donations. Public buildings.

SEC. 3. That the citizens of said county hereby created are and shall be entitled to all the privileges allowed, in general, to citizens of other counties in this State; and until public buildings shall be erected for that purpose, the courts shall be held at such place, in Mount Sterling, as shall be provided by the county commissioners' court of said county; and if the permanent seat of justice shall be located at any place other than Mount Sterling, it shall be the duty of the commissioners hereby appointed to locate the same, and to give it a name: but if they shall select Mount Sterling for the seat of justice, then and in that case, Mount Sterling shall be the name of the said seat of justice.

Privileges of citizens.

Courts held in Mt. Sterling.

If county seat not placed at Mt. Sterling, comm'rs to locate & name.

SEC. 4. That an election for county officers shall be held in the said county of Brown, at the several places of holding elections, and by the same judges heretofore appointed by the Schuyler county court, on the first Monday in May next; which election shall be conducted in all respects agreeably to the laws regulating elections. It shall be the duty of the said judges to make returns of the poll-books of said election to Robert N. Curry and James W. Singleton, two justices of the peace at Mount Sterling, within seven days from and after said election: and it shall be the duty of the said justices of the peace to open and compare the said polls, and to make out and deliver certificates to the persons elected, and to return an abstract to the Secretary of State, in the same manner as is now required of clerks of the county commissioners' courts in such cases: *Provided*, That this act shall

Elections.

Returns of election to be made to two justices peace

Duty of justices.

Abstract to be sent to office of Sec. State. Proviso.

not be so construed as to repeal out of office any justice of the peace, or constable, who may be in office within the limits of said county, at the passage of this act; but they shall continue to hold their offices the same as if this act had not been passed.

**SCHUYLER TO ELECT ONE REP. BROWN, ONE.**  
**IN VACANCY FOR SENATOR, SCHUYLER AND BROWN TOGETHER TO ELECT.**  
**DUTY OF CLERK OF BROWN CO.**  
**POLL BOOKS COMPARED AT RUSHVILLE.**

**SEC. 5.** That at the next general election, and until a new apportionment of representation shall be made among the several counties of this State, the county of Schuyler shall elect one Representative, and the county of Brown one Representative to the General Assembly; and in case a vacancy shall happen in the office of Senator from the county of Schuyler, the said county of Schuyler and the county of Brown shall vote together to fill such vacancy, and until a new apportionment of representation shall be made; and in case of an election for a Senator, it shall be the duty of the clerk of the county commissioners' court of Brown county, within four days after returns of such election shall be made to him, to meet the clerk of Schuyler county at Rushville, and the two, together, shall compare the polls, and deliver a certificate to the person elected, and also return a transcript of the votes given for Senator to the Secretary of State.

**BROWN CO. ATTACHED TO 5TH JUD. CIR. DUTY OF JUDGE TO HOLD TWO TERMS.**

**SEC. 6.** That the said county of Brown shall be attached to and form a part of the fifth judicial circuit; and it shall be the duty of the judge of said circuit to hold two terms of the circuit court in said county, annually, at such time as the said judge shall order and appoint, or at such time as may be provided by law.

**DUTY OF COM'RS TO PAY HALF OF SUM DUE TO ALDEN & BURTON TO SCHUYLER COUNTY. BRIDGE ACROSS CROOKED CR'K.**  
**DUTY OF COMMISSIONERS OF BROWN CO.**

**SEC. 7.** That it shall be the duty of the county commissioners' court of said county to appropriate, set apart, and pay into the county treasury of Schuyler county, one-half of the sum which shall remain due and payable to Alden and Burton from the said county of Schuyler for building a bridge across Crooked creek, after the said county of Schuyler shall have expended the money already appropriated to that object; the said amount so to be paid by the county of Brown to be made and certified by the county commissioners' court of Schuyler county, so soon as the amount can be ascertained; and it shall be the duty of the county commissioners' court of Brown county to provide the means to make such payments annually, and at the time the same become due from the county of Schuyler to the said Alden and Burton.

**SHERIFF OF SCHUYLER, JURISDICTION OF.**

**SEC. 8.** That the sheriff of Schuyler county shall have power to collect all taxes, fines, and forfeitures heretofore assessed, and to serve all process necessary to the prosecution and disposal of all causes now pending in the Schuyler circuit court, the same as if no change had been in the boundaries of said county, and as if this act had not been passed.

**PAY OF COM'RS TO LOCATE CO. SEAT.**

**SEC. 9.** That the commissioners hereby appointed to locate the seat of justice shall be allowed and paid out of the county treasury of said county, the sum of three dollars per day each.



SEC. 10. That so soon as the school commissioner of Schuyler county shall be notified by the county commissioners' court of Brown county, that a school commissioner for that county has been appointed, to deliver to said commissioner, all moneys and papers belonging to the several townships in the said county of Brown.

APPROVED, February 1, 1839.

AN ACT to provide for the election of Justices of the Peace in Naples and Meredosia, and for the appointment of certain Notaries Public. In force, Feb. 1, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter there shall be two justices of the peace and two constables elected at every general election for justices of the peace and constables in the Naples justices' districts of Morgan county.

SEC. 2. A special election for one justice of the peace and one constable, in addition to the justice of the peace and constable now authorized by law, shall be held in said justices' districts, at the usual place of holding elections, on the first Monday of April next; and said officers shall hold their offices until the next general election, and until their successors are elected and qualified.

SEC. 3. The Governor shall appoint, by and with the advice and consent of the Senate, one notary public in said town of Naples, whose duties and term of service shall be the same as other notaries public of this State.

SEC. 4. Orson B. Cobb, who acted as a justice of the peace in the said Naples justices' district, shall be deemed to have been a regularly appointed and qualified justice of the peace in said district, from the time of his first acting to the time of his death.

SEC. 5. The provisions of the first and second sections of this act shall be extended and applied to the justices' district in which Meredosia is situated.

SEC. 6. The provisions of the third section of this act shall be extended and applied to the following towns in the county of Morgan, viz: Merodosia, Bethel, Exeter, Franklin, Waverly, Manchester, Princeton, Lexington, and Winchester; and to Grafton, Whitehall, and Jerseyville, in Greene county; to Rockport, Griggsville, and Perry, in Pike county; Chester, in Randolph county; to Hamburg, in Calhoun county; to Virginia, in Cass county; to Juliet, Lockport, and Wilmington, in Will county. There shall also be appointed, in like manner, two additional notaries public in the city of Chicago, and one additional notary public in the city of Alton.

APPROVED, February 1, 1839.



In force, Feb. AN ACT to amend an act, entitled "An act concerning Judgments and Executions," approved January 17, 1825.

Sec. of act repealed.      **SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That so much of the ninth section of the act to which this is an amendment, as requires real estate or personal property levied upon by virtue of an execution to be valued or appraised, be, and the same is hereby, repealed: *Provided,* That this act shall not extend to any execution issued upon a judgment rendered, or a replevy bond given or taken before the first day of May, 1825, or upon a judgment rendered upon any contracts made, or cause of action accrued, or liability incurred, before the said first day of May, 1825.

APPROVED, February 6, 1839.

In force, Feb. AN ACT to amend an act, entitled "An act authorizing a lottery to raise funds for the purpose of draining the ponds of the American bottom."

Lottery may be drawn at Illinois town or elsewhere.      **SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful for the board of managers of said lottery to determine the drawings thereof, at Illinois town or elsewhere, as also to direct the drawings thereof personally, by either of the managers or by their agents, duly sworn or qualified according to law. This act to take effect from and after its passage.

APPROVED, February 6, 1839.

In force, Mar. AN ACT to locate and establish, and alter, change, and relocate, State Roads.

Com'rs to locate road in Gallatin co.      **SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James Robertson of Gallatin county, Randolph Casey of Franklin county, Timothy Anderson of Union county, and William McMahan of Johnson county, be, and they are hereby, appointed commissioners to view, survey, mark, and locate, a State road from said James Robertson's, in Gallatin county, to Sarahsville, in Franklin county, via the house of said Casey; thence to Jonesborough, in Union county. Said commissioners to meet at the house of John T. Davis.

Place of meeting.      **SEC. 2.** The road from Fairfield, in Wayne county, to Maysville, in Clay county, via Treat's mill, on Elm river, is hereby declared a State road.

Road from Fairfield a State road.      **SEC. 3.** That James Terald and George Evans of Union county, and Irwin Morris and Nathaniel Thacker of Johnson county, be, and they are hereby, appointed commissioners to view, survey, and locate a State road from Parkin's ferry on Ohio river by Vienna.

the Ohio river, to the nearest and best way by Vienna and Elvira, to intersect the State road leading from Jonesborough to Brownsville, at or near James Herald's. Commissioners Place of meeting. to meet at said Herald's.

SEC. 4. That the ferries heretofore established by the county commissioners' court of Johnson county, on the Ohio river, at James H. G. Wilcox's and William Parker's, where the State [road] from Frankfort to Paducah crosses said Ohio river, are hereby established and confirmed: *Provided*, That Ferries in Johnson co. established. in no case the road hereby required to be located should not be located on the old road heretofore established between Elvira and James Herrill's. The said old road is hereby vacated. Proviso.

SEC. 5. That George W. Walters, John Whitesides, and George Abbotts, of Pope county, and William Sampson and Hiram Job of Johnson county be, and they are hereby, appointed commissioners to view, survey, and relocate, the State road leading from Golconda, in Pope county, to Pinckneyville, in Perry county, commencing at Golconda; thence, on the nearest and most eligible ground for a permanent road, to where said Waters now resides. Com'rs to relocate State road from Golconda to Pinckneyville.

SEC. 6. It is hereby made the duty of the county commissioners' court of Clinton county, to appoint a supervisor or supervisors, as the case may be, who shall cause to be opened, within the next six months from the passage of this act, so much of the road located under the act of March first, 1833, entitled "An act to lay out a certain State road," as lies in the county of Clinton; said road to be opened as originally located, and kept in repair as other State roads. Duty of co. com'rs of Clinton co. to appoint supervisors to open road in Clinton co.

SEC. 7. That John Boles, Roderick Reed, and Joel Norris of Franklin county, be, and they are hereby, appointed commissioners to view and relocate so much of the State road formerly established from Frankfort to Wilcox's ferry, as lies in Franklin county, commencing at Frankfort; thence, running on the most direct and eligible route by way of Bainbridge, so as to intersect the State road as at present opened in Johnson county to the county line; commissioners to meet at Frankfort; and the act, entitled "An act to relocate part of a certain State road therein named," approved, February 7, 1837, is hereby repealed, and the whole road therein referred to is hereby vacated. Com'rs to relocate road from Frankfort to Wilcox's ferry. Place of meeting.

SEC. 8. That Benjamin Hood, William Steerman, and Theophilus Cook be, and they are hereby, appointed commissioners to view, survey, and locate a State road from McLeansborough, in Hamilton county, to Mount Vernon, in Jefferson county, to locate the same on the nearest and best route for a permanent road, and to intersect the road leading from Equality to Mount Vernon, at such point between James Osburn's and Barton Atchison's as said commissioners may think most conducive to public good. Commissioners to meet at McLeansborough. Road vacated. Com'rs to locate road from McLeansboro to Mt. Vernon. Place of meeting.

Com'rs to re-  
locate part of  
road from Pa-  
lestine to  
Shelbyville.

SEC. 9. That Thomas Jeffers, Isaac Odell, and Alfred Balch of Coles county, are hereby appointed commissioners to view and relocate a part of the State road from Palestine to Shelbyville, [viz:] through the land owned by Mark Campbell in Coles county. Said commissioners shall review and relocate said road to the best advantage, as well with regard to the public as said individual's farm.

Act amended.

SEC. 10. That an act, entitled "An act to locate a State road in the county of Edgar," approved January 19, 1837, be so amended as to extend the time for running and locating said road until the first day of September, A. D. 1839.

Com'rs to lo-  
cate above  
road.

SEC. 11. That Samuel Connolly, Brown Wilson, and Walter Newton be, and they are hereby, appointed commissioners to view, survey, and locate the road named above in the tenth section of this act, and that they meet at such time and place in the county within six months from the passage of this act, and proceed as pointed out in the act referred to.

Time and  
place of  
meeting.

Com'rs to  
relocate road  
in Grand  
View.

SEC. 12. That Thomas Smith, Joseph Brown, and John Tate, be, and they are hereby, appointed commissioners to view and relocate a State road in the town of Grand View, in Edgar county, commencing on the west side of said town, and running with Augusta street to Front street, and with Front street to Main street, and with Main street to north Second street, and east with the said last mentioned street to where the same intersect the State road. Said commissioners to meet at Grand View.

Place of  
meeting.

Com'rs to  
relocate road  
in Edgar co.

SEC. 13. That Emanuel Zink, William Fitzgerald, and Stanford Nay, be, and they are hereby appointed commissioners to view, mark, and relocate a State road in Edgar county, leading from Henry G. Smith's farm to Grand View, to make such change as may save individual property and comport with public good.

Com'rs to  
locate road  
from Danville  
to State line.

SEC. 14. That John Wood, Obediah Lenere, and Hudson Martin be, and they are hereby, appointed commissioners to view, survey, and locate, a State road from Danville, in Vermillion county, to the point on the State line where the road from Lafayette, Indiana, in the direction to Danville, intersects the eastern line of Illinois, avoiding as much as possible all injury to private property. Said commissioners to meet at Danville.

Place of  
meeting.

Road from  
Shelbyville to  
Danville de-  
clared a State  
road.

SEC. 15. That all that part of the State road leading from Shelbyville, in Shelby county, to Danville in Vermillion county, that lies between the east end of George Barnett's lane, and the town of Chilicothe, in said county of Vermillion, shall run with and upon the county road now located between said points; which said part of said county road is hereby declared to be a part of said State road; and that part of said State road lying as aforesaid, as located at present, to be vacated.

SEC. 16. John Deremiah of Marion county, Jarret Irwin of Clay county, and Lewis Jordan of Jasper county, be, and



they are hereby, appointed commissioners to view, survey, and locate, a State road from Newton, in said county of Jasper; thence, to Louisville, in Clay county; thence, to intersect the Vandalia and Maysville road at Deremiah's, in Marion county, to be located on the nearest and best ground for a permanent road, and which, when located, shall be considered, as far as located, the State road from Palestine to Vandalia, any law or location to the contrary notwithstanding.

Com'r's to locate road from Newton Louisville, to Vandalia and Maysville r'd. State road from Palestine to Vandalia.

SEC. 17. That James Hankins of Fayette county, and William Aldridge and John Craig of Clay county, be, and they are hereby, appointed commissioners to view, survey, and locate a State road from a suitable point on the road to Maysville on the Four-mile prairie; thence to the south line of section eleven, township four, range three east; thence the nearest and best way to Louisville, in Clay county. Commissioners to meet at Vandalia.

Com'r's to locate road from Four Mile prairie to Louisville.

Place of meeting.

SEC. 18. That Richard Lessians of Wayne county, James L. Wickersham, and Benjamin W. Mosely of Clay county, be, and they are hereby, appointed commissioners to view, survey, and locate, a State road from Samuel Slocumb's mill, on the Skillet Fork, in Marion county; and thence to Maysville, in Clay county. Commissioners to meet at Slocumb's mill.

Com'r's to locate road from Slocumb's mill to Maysville.

Place of meeting.

SEC. 19. That James Linnett, Jesse Cooper, and Joseph Maxwell, be, and they are hereby, appointed commissioners to view, survey, and change a part of the State road from John Orander's, to Nelson's, between James Levett's and Joseph Maxwell's on said road in Clay county.

Com'r's to change part of road.

SEC. 20. That John Matthews, James McKinney, and Jesse Williams of Clay county, be, and they are hereby, appointed commissioners to view, survey, and locate, a State road from Louisville to the bridge on Little Muddy; thence to intersect the road to Mount Carmel at John Matthews'. Commissioners to meet at Louisville.

Com'r's to locate road from Louisville to Mt. Carmel road. Place of meeting.

SEC. 21. The present county road from Salem, in Marion county, to Samuel Hensley's; thence to Crutchfield; thence to the line of Clay county, in a direction to Louisville, is hereby declared a State road; and that John Sutton and William Lewis of Clay county, and John Whetstone of Coles county, be, and they are hereby, appointed commissioners to locate a State road from the point above stated, in continuation to Louisville; thence to Charleston, in Coles county. Commissioners to meet at Louisville.

Road from Salem to line of Clay co. a State road.

Com'r's to locate from above point via Louisville to Charleston.

SEC. 22. That Henry Leadbetter, are hereby appointed commissioners to view and relocate that part of the State road from Vandalia to Carlyle, which lies between Henry Leadbetter's and George Moore's, so that the same may run by Charles A. Moore's mill; thence, in a south-westwardly direction, to the line between the said Charles A. Moore's and George Moore's; thence, west along said line, to intersect the present road at George A. Moore's.

Road from Vandalia to Carlyle by C. Moore's mill.

Road from Carlinville to Greenville revived.

SEC. 23. That "An act to locate a State road from Carlinville, in Macoupin county, to Greenville, in Bond county," approved March 1, 1837, is hereby revived and continued in force; and that Levi Gimblin of Macoupin county, Elijah Lindley of Montgomery county, and James S. McCord of Bond county, be, and they are hereby, appointed commissioners to locate a State road, any law to the contrary notwithstanding. Committee [commissioners] to meet at Carlinville.

Com'rs to locate road.

Com'rs to locate road from Upper Alton to Greenville.

SEC. 24. That Ephraim Harnsberger and John Eastbrook of Marion county, and Joseph Barker of Bond county, be, and they are hereby, appointed commissioners to view, survey, and locate, a State road from Manning street, in Upper Alton, and running westwardly with the road laid out by the county commissioners of Madison county, to the north line of section sixteen, township five north, range six west, of the third meridian; thence to the northwest corner of section fifteen; thence the nearest and best way to Greenville.

Com'rs to locate r'd from Waynesville to Bloomington.

SEC. 25. That Purnell Passwater, Thomas Karr, and John B. Jones, are hereby appointed commissioners to view and relocate so much of the State road now leading from Waynesville to Bloomington as lies between Waynesville and Draper's ford on Kickapoo creek. Said commissioners shall meet at Waynesville and proceed to locate said road, passing through the timber land on the nearest and best route, and through the prairie, as near as may be on the surveyed or division lines, so as to intersect township twenty-two, in range two, at the centre of the south line of section number thirty-three, in said township; thence, northwestwardly, to the most suitable point to build a bridge across said Kickapoo creek.

Place of meeting.

Com'rs to relocate road from Carlinville to Meacham's ferry.

SEC. 26. That Robert Gordon, John Taylor, and Thomas M. Kilpatrick, are hereby appointed commissioners to view and relocate that part of the State road leading from Carlinville to Meacham's ferry, which lies between the creek at William C. Frazier's and the Greene county line, and upon the nearest and best route, varying so as not to injure private property.

Road from F. Husband's to Douglass declared a State road.

SEC. 27. That the road leading from Flour Husband's, in Sangamo county to Douglass, in Macoupin county, as now located and travelled, be used, the same is hereby declared to be a State road; and it is hereby made the duty of the county commissioners' court to cause the said road to be kept in good repair as other State and county roads.

Duty of co. com'rs.

Com'rs to locate road from Tremont to Washington, in Tazewell co.

SEC. 28. That E. A. Whipple, Palmer Holmes, and Samuel Mayberry, be, and they are hereby, appointed commissioners to view, survey, and locate, a State road from Tremont to Washington, in Tazewell county, to survey and locate said road one hundred feet wide, starting from the north end of James street, and pursuing as near a straight line as practicable to the town of Washington.



SEC. 29. That James Brawhill, John O'Brien, and Nathan Dillon, be, and they are hereby, appointed commissioners to view, survey, and locate a State road from the south end of Broadway, in the town of Tremont, to the town of Dillon. Said commissioners to meet at Tremont. All other State roads heretofore laid out between the above mentioned towns are hereby vacated.

Road from Tremont to Dillon.

Roads vacated.

SEC. 30. That the road laid out and established by the county commissioners' court of Macoupin county, leaving the road from Carlinville to Carrolton, near to the former place, and running from thence to the county line between Greene county and Macoupin county, is hereby declared to be a State road; and the third section of an act, entitled "An act laying out certain State roads," approved March twenty-second, eighteen hundred thirty-seven, shall be so construed as to require the road leading from Whitehall, Manly's mills, Greenfield, and Fayette, as to intersect the road just above mentioned at the point of its termination; also the road leading from Alton by way of Ezra Gilman's, of Madison county, to the head of Piasa, at Simmon's ford on said creek, Delaware, Greenfield, Athensville, and Williamsburgh, to Jacksonville, is hereby declared to be a State road.

Road from Carlinville to Carrolton, and to co. line of Greene and Macoupin counties a State road.

Road from Whitehall via Simmon's ford, Greenfield, &c. to Jacksonville a State road.

SEC. 31. That Isaac Plaster and Reddick Horn of Cass county, and Alexander Beard of Morgan county, be, and they are hereby, appointed commissioners to view, survey, and locate, a State road from Lexington, in Morgan county; thence to Virginia; thence to Matanzas, on the Illinois river. Commissioners to meet at Virginia.

Com'rs to locate road from Lexington via Virginia to Matanzas.

SEC. 32. That Pedro Eppison of Knox county, James Manning of Mercer county, and Jonathan Buffum of Rock Island county, be, and they are hereby, appointed commissioners to view, survey, and locate, a State road from the termination of the State road at the bridge across Pope's creek, in Knox county, to the bridge across Edwards river in Mercer county, and thence to Stephenson in Rock Island county. Said commissioners to meet at the house of James Manning in Mercer county; and at the termination of each mile, on the right of the road, they shall plant a post of durable timber, with the miles marked thereon progressively.

Com'rs to locate road from Pope's creek via Edwards river in Mercer co. to Stephenson.

Place of meeting. Post at each mile marked.

SEC. 33. That John C. Pratt, John W. Stakes, and Lyman J. Reynolds, be, and they are hereby, appointed commissioners to review, and survey, and relocate so much of the State road leading from Galena to Prophet's town, commencing at the mile board, two miles north of Prophet's town, on Rock river, marked sixty miles from Galena; thence south to intersect the State road again south of Prophet's town. Said commissioners to meet at Prophet's town.

Com'rs to relocate road from Galena to Prophet's town.

Place of meeting.

SEC. 34. That Neeley Withrow and Rufus Hubbard of Henry county, and A. Slocumb of Whiteside county, be, and they are hereby, appointed commissioners to view, survey, and locate, a State road commencing at New Albany; thence to Penny's ferry on Rock river, near the west side of range three,

Com'rs to locate road from New Albany to Genesee in Henry county.



Place of meeting.

Com'rs to locate road from New Boston via Millersburgh to Richmond in Henry co.

Mile post.

Com'rs to locate road from Juliet via Norman's mill, to Ind. State line.

Place of meeting.

Com'rs to locate road from Farmington via Rochester, &c. to Richmond, in Henry co.

Road from Big creek via Brown's mill to Redmond's, State road.

Duty of co. com'rs of Edgar and Clark.

Com'rs to locate road from Macomb to Miss. river opposite Burlington.

Place of meeting.

Com'rs to locate road from Clayton via Houston and Chili to Rushville and Warsaw road.

east of the fourth principal meridian; thence taking the county road to a bridge on Green river; and from thence to intersect the State road leading from Galena to Beardstown, at Genesee, in Henry county. Said commissioners to meet at Genesee.

SEC. 35. That Mark Willits, William Hull, and Hopkins Boone, be, and they are hereby, appointed commissioners to view, survey, and locate a State road from New Boston, in Mercer county, via Millersburgh to Richmond, in Henry county. Said commissioners, in the location of said roads, shall have special regard to the public convenience, the localities of the ground, and advantages of crossing water courses; to plant firmly in the ground at the end of each mile, a neat post of durable timber with the miles progressively marked thereon.

SEC. 36. That Reason Zerley of Will county, Benjamin Butterfield of Cook county, and Abraham Holderman of La Salle county, be, and they are hereby, appointed commissioners to view, survey, and locate, a State road from Juliet, in Will county, to Joseph Norman's mill on Hickory creek; thence, eastwardly, to the north side of Skunk grove; thence, the nearest and best route eastwardly, to the Indiana State line. Said commissioners to meet at Juliet.

SEC. 37. That Silas Richards of Knox county, Jacob Mason of Fulton county, and Norman Butler of Henry county, be, and they are hereby, appointed commissioners to view, survey, and locate, a State road from Farmington; thence, to Rochester, Lafayette, and Weathersfield, to Richmond, in Henry county; thence to intersect the road from Knoxville to Galena. Commissioners to meet at Farmington.

SEC. 38. That the present county road from the bridge over Big creek, on the Vincennes and Chicago State road, leading up said creek by John Lycan's, Brown's mill, Parker's Newman's, O'Hare's, Bunnell's; thence, intersecting the said Vincennes and Chicago State road at George Redmond's, is hereby declared a State road, to be worked and kept in repair four rods wide. And the commissioners' courts of Edgar and Clark counties shall arrange the road districts on said line, that those living on the creek shall not be required to work on the main State road.

SEC. 39. That Isaac Grantham, and John Hamlin of McDonough county, and Michael Crane of Warren county, be, and they are hereby, appointed commissioners to view, survey, and locate, a State road from Macomb, in McDonough county, to the Mississippi river opposite the town of Burlington. Commissioners to meet at Macomb.

SEC. 40. That James Willard of Adams county, Elisha Worrell and John Slater of Hancock county, be, and they are hereby, appointed commissioners to view, survey, and locate, a State road from Clayton, in Adams county, by the way of Houston, in the same county, and Chili, in Hancock county, to a point on section two, in township three north, in range seven

west, of the fourth principal meridian, where the State road from Rushville to Warsaw crosses said section. Commissioners to meet at Chili, in Hancock county. Place of meeting.

SEC. 41. That John Campbell of Pike county, and John B. Robinson and William Allen of Adams county, be, and they are hereby, appointed commissioners to view, survey, and relocate so much of the State road from Quincy in Adams county to Phillips' ferry in Pike county, as lies between Beverly, in Adams county, [and] Thomas Bates' farm, in Pike county. Commissioners to meet at said Bates'. Com'rs to locate road from Quincy Philip's ferry.  
Place of meeting.

SEC. 42. That Turner Rountree, Thomas Gilbert, and Agrippa L. Martin, of the county of Knox, be, and they are hereby, appointed commissioners to review, survey, and relocate that part of the State road leading from Knoxville in Knox county, to New Boston, in Mercer county, which lies in the said county of Knox, so that the said road, as relocated, may run through the town of Galesburgh, in said county of Knox, and strike the present State road at some point between Galesburgh and Alfred Brown's. Com'rs to relocate road from Knoxville to New Boston, thro' Galesburgh.

SEC. 43. That John M. King, Q. A. Cook, and J. W. Bell, be, and they are hereby, appointed commissioners to review, survey, and relocate, that part of the State road leading from Rushville, in Schuyler county, to Carthage, in Hancock county, which lies between the town of Plymouth and the south line of section number thirty-one, in township four north, and range four west, of the fourth principal meridian. Said commissioners shall meet at Plymouth. Com'rs to relocate road from Rushville to Carthage.  
Place of meeting.

SEC. 44. That Coonrad Leek, David Hodgson, and Charles B. Harley, be, and they are hereby, appointed commissioners to view, survey, and relocate, that part of the State road leading from Enterprize, in La Salle county, as lies between the town of Lafayette, in Knox county, and Charles B. Harley's on said road, commencing at the south end of Hodgson street, in the town of Lafayette; thence, south, to the southeast corner of Peter Minor's eighty acres; from thence, the nearest and best way to the bridge on Fitch's creek; from thence to Leek's mills, on Walnut creek; and from thence to Charles B. Harley's on said road. Said commissioners to meet at the town of Lafayette. Com'rs to relocate road from Enterprize to C. B. Harley's.  
Place of meeting.

SEC. 45. That Thomas Brackman of Brown county, and John Wiggle and Abraham H. D. Butts, are hereby appointed commissioners to view, survey, and locate, a State road from Mount Sterling, in Brown county, to Liberty, in Adams county. Com'rs to locate road from Mt. Sterling to Liberty.

SEC. 46. That Rufus Souls, Luke Hall, and Ransom Steele, of M'Henry county, be, and they are hereby, appointed commissioners to view, survey, and locate, a State road from Chicago; thence to Half Day; thence, by Fort Hill, to M'Henry; thence to the State line, to meet the Territorial road leading to Madison, in Wisconsin. Commissioners to meet at Half Day. To locate road from Chicago via Half Day to M'Henry.  
Place of meeting.

SEC. 47. That Sylvester Talcott, N. H. Foster and



Locate road from Crystalville to Mineral Point.

Christopher Walkeep, be, and they are hereby, appointed commissioners to view, survey, and locate, a State road from Crystalville, in M'Henry county; thence to Christopher Walkeep's, on the road leading from Chicago to Big Foot Lake; thence to Nippersink, Cold Spring prairie; thence to Round prairie; thence, in a direction to Mineral Point, in Wisconsin, until the same intersects the State line. Commissioners to meet at Crystalville.

Locate road to Aurora, &c., to Mineral Point.

SEC. 48. That Benjamin T. Lee of Winnebago county, Ephraim Hall of De Kalb county, and Isaac Marlett of Kane county, be, and they are hereby, appointed commissioners to view, survey, and locate, a State road from where a certain road terminates at the Will county line, to Aurora, on Fox river; thence, by the county seat of De Kalb county, Rockford, in Winnebago county, Trask's ferry, Pekatonikee; thence to the State line, in a direction towards Mineral Point. The said commissioners shall lay out a State road from the town of Winnebago, in Winnebago county, intersecting the State road in the direction to the Will county line. Commissioners to meet at Aurora.

Road from Winnebago to Will co. line. Place of meeting.

SEC. 49. That William Shed, Dauphin Brown and Lemuel W. Streator, be, and they are hereby, appointed commissioners to view, survey, and locate, a State road from LaSalle, in La Salle county; thence to Troy Grove; thence to Inlet Grove; thence to Bloomingville, on Rock river; thence to Freeport; thence to Brewster's ferry, on Pekatonikee; and thence to the State line, in a direction to Mineral Point. Commissioners to meet at La Salle.

To locate road from La Salle, via Troy grove to State line.

SEC. 50. That George W. Hilyard and James Scybold of Pike county, and Samuel Cutler of Adams county, be, and they are hereby, appointed commissioners to view, survey, and locate, a State road from Beverly, in Adams county, in a direction to Naples, to intersect the State road from Quincy to Naples at some point west of Perry, in Pike county. Commissioners to meet at Beverly.

To locate road from Beverly to point west of Perry. Place of meeting.

SEC. 51. That so much of the State road leading from Rock Island to Savanna, as lies within the town of Hampton, in Rock Island county, be, and the same is hereby, vacated.

Road from Rock Island to Savanna vacated. Road from Dixon's ferry to Linder, & Union grove to Fulton City State roads. Locate road from Union grove to Dixon's ferry.

SEC. 52. That the county road from Dixon's ferry to the town of Linder, on Rock river, and the road from Union Grove, in Whiteside county, to Fulton City, be, and the same are hereby, declared State roads; and that D. B. Young, Henry Boyer and John Baker, are hereby appointed commissioners to view, survey, and locate, a State road from Union Grove to the crossing of Elkhorn creek, on the road to Dixon's ferry.

Road from Carmi to Graysville a State road.

SEC. 53. That the county road now established, opened and travelled, from Carmi, in White county, by the way of the Pole bridge and Caleb Clifford's; thence to Graysville, on the Wabash river, is hereby declared a State road, to be worked and kept in repair four rods wide.

SEC. 54. That a part of the State road from Carlinville



to Jacksonville shall be changed and vacated, viz: To com-  
 mence at William Adams', in Macoupin county; thence, on a  
 direct line, to the northeast corner of John Burleson's farm;  
 thence, due north, one-quarter of a mile; thence, westwardly,  
 one-quarter of a mile; thence, due north, to the southeast cor-  
 ner of the public square in the town of Newburg; thence,  
 northwestwardly with the county road, to the township line;  
 thence, with said line, to intersect the old road at George  
 Sharp's.

Road from  
 Carlinville to  
 Jacksonville  
 changed to  
 run from  
 Newburg to  
 Geo. Sharp's.

SEC. 55. That that part of the State road leading from  
 Hillsboro' to Alton, viz: from the point where the same forks,  
 on the road from Hillsboro' to Edwardsville, to the point  
 where it connects with the old road leading from the Hillsboro'  
 and Edwardsville road to Staunton, is hereby vacated; and  
 from the point first above named, the road shall be continued  
 on the Hillsboro' and Edwardsville road, to a point about one  
 mile from Kirkland's Grove; thence on the old road leading to  
 Staunton until it connects with the aforesaid Alton road.

Road from  
 Hillsboro' to  
 Alton vacated

Road contin-  
 ued to Staun-  
 ton and Alton  
 road.

SEC. 56. That Samuel Blackwell, Joseph M'Lean, and  
 Samuel Porter, are hereby appointed commissioners to review  
 and relocate a part of the road from Ford's ferry to Jackson-  
 ville, viz: that the same may run on the half mile line of sec-  
 tion eleven, then about half way through section two, on the  
 same line, in township seven north, range four west, until the  
 same intersects the old road again.

Com'rs to lo-  
 cate road from  
 Ford's ferry to  
 Jacksonville.

SEC. 57. That the State road leading from Beardstown to  
 Mount Sterling, in Brown county, heretofore established, be,  
 and the same is hereby, vacated and made void.

Road from  
 Beardstown  
 to Mt. Sterling  
 vacated.

SEC. 58. That Henry Pervinger, John Sides, and Henry  
 Casteene, of Brown county, be, and they are hereby, appoint-  
 ed commissioners to view, survey, and relocate, a part of the  
 State road leading from Meredosia to Mount Sterling, viz: to  
 change the same in section twenty, township two south, range  
 two west, and in that vicinity, in the neighborhood of B. F.  
 Hills, in Brown county.

Com'rs to re-  
 locate road  
 from Meredo-  
 sia to Mount  
 Sterling.  
 Part of road  
 changed.

SEC. 59. That Abraham Smith of Brown county, O. M.  
 Hagland and Allen Persinger of Schuyler county, be, and  
 they are hereby appointed commissioners to change, alter and  
 relocate, the State road leading from Rushville to Quincy, so  
 much thereof as lies between Henley's mill, on Crooked creek,  
 and Rushville.

Com'rs to re-  
 locate road  
 from Rush-  
 ville to Quin-  
 cy.

SEC. 60. That James Head and Nathan Ward, of M'Do-  
 nough county, and William Smith of Hancock county, are  
 hereby appointed commissioners to view, survey, and locate a  
 State road from Appanoose to Lahart, in Hancock county;  
 thence to intersect a State road to be located from Macomb,  
 in M'Donough county, to the Mississippi river opposite Bur-  
 lington, at the most suitable and convenient point in a direc-  
 to Macomb. Commissioners to meet at Appanoose within  
 one month after the location of the above recited road.

Com'rs to lo-  
 cate road from  
 Appanoose  
 via Lahart  
 from Macomb  
 to Mississippi  
 river.

Time & place  
 of meeting.

SEC. 61. That Willard Graves of Columbus, in Adams

Com'rs to locate road from Columbus to Chambersburgh. county, Jonathan Dearborn of Brown county, and Joseph S. King of Pike county, be, and they are hereby, appointed commissioners to view, survey, and locate a State road, commencing at Columbus aforesaid; thence, eastwardly through Walker's neck, to M'Kee's creek, between sections twenty and twenty-one, township two south, range three west; thence to Chambersburgh, in Pike county. Commissioners to meet at Columbus.

Place of meeting.

To locate road from Quincy to Mt. Sterling.

SEC. 62. That John H. Holton, William Oglesby, and Charles K. M'Coy, are hereby appointed commissioners to view, survey, and locate a State road from Quincy, in Adams county, via the upper bridge on North Mill creek to Columbus; thence, through Clayton, in Adams county, to Mount Sterling, in Brown county. Commissioners to meet at Quincy.

To relocate road from Kishwaukee to Freeport.

SEC. 63. That Warner Earll, Willard Ciark, and David A. Holt, of Winnebago county, be, and they are hereby, appointed commissioners to view, survey, and locate a State road from Kishwaukee, in Winnebago county; thence to intersect the State road from Bloomington to Freeport, in Stephenson county.

Locate road from Farmington to Monmouth.

SEC. 64. That Carter T. Davidson of Warren county, Alexander Latimer of Knox county, and Jacob Masón of Fulton county, be, and they are hereby, appointed commissioners to view, survey, and locate a State road from Farmington, in Fulton county, via Hull's crossing on Spoon river; thence to Abingdon, in Knox county, entering said town at the east end of Jackson street, running with said street to Main street; thence to the north end of said Main street; thence to Jonathan Latimer's; and from thence to Monmouth, in Warren county. Commissioners to meet at Farmington.

Place of meeting.

To locate road from Peoria to Burlington. Course of road.

SEC. 65. That Benjamin Tompkins, Kenuier Brent, and Matthew J. Cox, of Warren county, be, and they are hereby, appointed commissioners to view, survey, and relocate, a part of the State road from Peoria to Burlington, beginning at the southeast corner of the southwest quarter of section seventeen, township nine north, range three west; thence to the northeast corner of said section; thence, on or near the north line of said quarter, to the centre of section eighteen, same township and range; thence, to continue on a direct line as the ground will permit, until it intersects the old road first above named. Commissioners to meet at New Lancaster.

Place of meeting.

To locate road from Decatur to Bloomington. Place of meeting.

SEC. 66. That Hiram Chapin, Andrew Wallace, and Thomas Fruit, of the county of Macon, be, and they are hereby, appointed commissioners to view, mark, and relocate, so much of the State road running from Decatur to Bloomington as lies between the north line of township eighteen, and the town of Clinton, in Macon county. Commissioners to meet at Clinton.

Majority of com'rs in this law may act, take oath, &c

SEC. 67. The commissioners named in this act to locate and relocate the several roads, and parts of roads, a majority of whom, in any one case, may act and discharge the duties



required; and previous to acting shall severally take an oath before some justice of the peace of the State, faithfully and impartially, to the best of their judgment, discharge the duties required; and shall proceed, at any time after the passage of this act, between this and the first of August next, and they shall meet by that day; and shall with great care cause the routes to be viewed, surveyed and located, with a view to permanent roads, four rods wide in all cases where the width is not otherwise herein directed; and through prairie lands cause the same, where they judge it necessary, to be staked, and blazed through timbered land.

Time of location.

Width of roads.

How marked.

SEC. 68. They shall cause the same to be surveyed in all cases, and may employ a surveyor and the hands necessary; and they shall make out reports and plats, and return the same to each and every county commissioners' court through which the roads may pass, of the part lying in each county respectively, which shall be recorded and preserved.

To be surveyed.

Reports and plats.

SEC. 69. That William Tate and John C. Bane of Fulton county, and Isaac Lane of Schuyler county, be, and they are hereby, appointed commissioners to view, survey, and locate a State road from Springfield, in Sangamon county, to Miller's ferry or Blue Springs, on the Sangamon river, crossing the Illinois river at Spark's landing, in Schuyler county, via Astoria post office and Vermot, in Fulton county, to Maccomb, in McDonough county. Commissioners to meet at Springfield.

To locate road from Springfield to Miller's ferry, &c., to Maccomb.

Place of meeting.

SEC. 70. That William Freborn, Seth Helton, and Joel Beadles, of Fulton county, be, and they are hereby, appointed commissioners to view, survey, and relocate, that part of the State road from Warsaw to Canton situate between Marietta and Centreville, in Fulton county, that the same may be located so as to cross Spoon river at the town of Bristol, on section twenty-four, in township six north, range one east.

To relocate road from Warsaw to Canton.

SEC. 71. That William Russell of Fayette county, William Thomas of Dane county, and John L. Dryer of Sangamon county, be, and they are hereby, appointed commissioners to view, survey, and locate a State road leading from Vandalia, leaving the present Springfield road at the farm of Col. Berry; thence, to William Russell and John Denton's, along up the prairie between Hurricane and Ramsey's creek timber, on the nearest and best route to Springfield. Commissioners to meet at Vandalia.

To locate road from Vandalia to Springfield.

Place of meeting.

SEC. 72. That Marcus B. Osborn and George Tyler, of Henry county, and Miles Conway of Rock Island county, be, and they are hereby, appointed commissioners to view, survey, and locate a State road from Andover, in Henry county, via Clearland, to the Mississippi river, opposite Fort Byron, in Rock Island county, on the nearest and best ground from point to point. Commissioners to meet at Rock Island.

Locate road from Andover via Clearland to Mississippi river.

Place of meeting.

SEC. 73. That Basil Davis of Clay county, and William Gordon and William Stephens of Effingham county, be, and



To relocate road from Maysville to Shelbyville. Place of meeting. they are hereby, appointed commissioners to view, survey, and relocate a part of the State road leading from Maysville, via Ewington, to Shelbyville, viz: that part of said road from Heflin's, in Clay county, to Brocket's mills, in Effingham county. Commissioners to meet at said Heflin's.

Locate road from Salem to Charleston. Place of meeting. SEC. 74. Mark Tully of Marion county, Thomas J. Gillenwater of Effingham county, and Silas Hart of Coles county, be, and they are hereby, appointed commissioners to view, survey, and locate a State road from Salem, in Marion county, via Ewington, in Effingham county, to Charleston, in Coles county. Commissioners to meet at Salem.

To locate road from Indiana line to Ottawa. Place of meeting. SEC. 75. That James Smith, John Johnston and Levi Thompson, of Iroquois county, be, and they are hereby, appointed commissioners to view, survey and locate a State road from a suitable and eligible point on the State line between Illinois and Indiana, in a direction from Lafayette to Ottawa, from said point of beginning to the town of Middleport, in Iroquois county; thence, down the Iroquois river, to the town of Plato, in said county; thence, in the best direction, to the town of Ottawa, in La Salle county. Commissioners to meet at Middleport.

To locate road from Shelbyville to Chicago. Place of meeting. SEC. 76. That George Parks of Shelby county, William Jeremiah of Champaign, and Jonathan Wright of Iroquois county, are hereby appointed commissioners to view, survey, and locate a State road from Shelbyville, in Shelby county, to Urbana, in Champaign county; thence to the middle fork of Vermilion river; thence to the head branch of Spring creek, and down Spring creek to the town of Nightsville; thence to Plato, in Iroquois county; thence, down the Iroquois river, to the Kankakee, and from thence to fall into the State road leading from Danville to Chicago, in the nearest and best way to Chicago. Commissioners to meet at Shelbyville.

Locate road from Naples, to Bloomfield. Place of meeting. SEC. 77. Thomas Edmunson, Robert Sands, and George Richards, of the county of Scott, be, and they are hereby, appointed commissioners to view, survey, and locate a State road from Naples, in said county; thence to the bridge over the Mauvaise-terre; thence to Bloomfield in said county, selecting throughout the best ground for a permanent road. Commissioners to meet at Naples.

Locate road from Hennepin to Victoria. Place of meeting. SEC. 78. That A. Richards of Stark county, Charles S. Boyed of Bureau county, and Henry McClanahan of Knox county, be, and they are hereby, appointed commissioners to view, survey, and locate a State road from the ferry landing on the west side of the Illinois river, opposite Hennepin, in Putnam county; thence to Toulon, the seat of justice of Stark county; thence to intersect a State road leading to Knoxville at or near the town of Victoria, in Knox county. Commissioners to meet at Perkin's, in Bureau county.

To locate road from Rockford to Savannah. SEC. 79. That Daniel Wooten of Stephenson county, John Platt of Winnebago county, and Preston of Carroll county, be, and they are hereby, appointed commissioners

to view, survey, and locate, a State road from Rockford, in Winnebago county; thence to Savannah on the Mississippi river.

SEC. 80. That all that part of the State road from Darwin, via Auburn, to New Richmond, in Clark county, which lies between Auburn and New Richmond, is hereby vacated and wholly annulled; and the county road now established and improved from Auburn to New Richmond, is hereby declared a State road, four poles wide.

Road from Darwin to N. Richmond vacated. Co. road declared State road.

SEC. 81. That the road leading from Butler Seward's, in Montgomery county, intersecting the Jacksonville road at Baily Tailor's, in Macoupin county, be, and the same is hereby, declared a State road.

Road from B. Seward's State road.

SEC. 82. That Henry Harrison, jr., of Clark county, and Nathaniel Parker of Coles county, be, and they are hereby, appointed commissioners to view, survey, and relocate, with a view of straightening and shortening the same, the road commencing at the State road on Union prairie, at the southwest corner of section sixteen; thence, by Handy's, to the point where the road now turns, at or near the corner of Bartlett's land, or the southwest quarter of section fourteen, township nine north, range twelve west; thence, on a direct line from said turn to Martinsville, on the Cumberland road, if the same be practicable; if not, as near a straight line as the ground will permit for a permanent road; from Martinsville they shall extend the line on the most eligible route, and locate the road to Baker and Norfolk's mill, on the Embarrass river; thence to Charleston, in Coles county. And the said Henry Harrison, jr., and Nathaniel Parker, shall alter and change, as they may deem right for the public good, the State road from York to Martinsville, from section thirty-five, in township nine north, range twelve west, and through the Crow prairie; and to extend the same to form a junction with the road first named in this section, at a suitable point at or near the grove above Anglin's; and the other part of said road from Anglin's to Martinsville to be vacated.

To relocate State road from Union prairie to Bartlett's land

To Martinsville. To Baker's mill, and to Charleston.

Road vacated

SEC. 83. The present county road from the Grand Turn below Marshall, via Water's mill, to the county line of Crawford, is hereby declared a State road, four rods wide, and may be straightened at Miner's creek.

Declared State road.

SEC. 84. That Henry Furguson, James Walker, and Joseph H. Gooding, of Pike county, be, and they are hereby, appointed commissioners to view and relocate the State road from Atlas, via Rockport, to Pleasant Vale, so as to enter Main street of said Pleasant Vale, at the southeastern extremity; thence to Kinderhook, on the most direct and eligible ground to Adams county line, doing as little damage as the public good will admit. Commissioners to meet at Atlas.

To relocate road from Atlas to Pleasant Vale.

Place of meeting.

Road from Douglass to Carlinville vacated.

SEC. 85. That so much of the road leading from Douglass to Carlinville, in Macoupin county, as lies between Caulkin's branch and Archibald Coulter's, be, and the same is hereby, vacated; and that the road from Caulkin's branch, by John

From Caulkin's to Coulter's, State rd.



Brown's, to Archibald Coulter's, is hereby declared a State road, and the same shall be kept in repair as other State roads.

Com'rs court  
of Peoria may  
alter road  
from Peoria to  
Knoxville.

SEC. 86. That the commissioners' court of Peoria county be, and they are hereby, authorized to alter that part of the State road leading from Peoria to Knoxville, that runs through township eight north, in range eight east, and also through township nine north, range seven east.

Co. com'rs co.  
of Shelby to  
appoint com.  
to relocate  
road from  
Danville to  
Shelbyville.

SEC. 87. That an alteration and review of the State road, from Shelbyville to Danville, so much thereof as lies within said counties of Shelby and Coles; and with view that the county commissioners' court of Shelby county, shall appoint without delay, three commissioners to view, survey, and relocate, that part lying in said county of Shelby, to the best advantage for a permanent road; and said commissioners shall act in concert and agree with the commissioners from Coles county, hereinafter named, where and at what point the road shall cross the line of Shelby and Coles counties. Jesse Fuller, Isaac Gruel, and William Barnett, of Coles county, are hereby appointed commissioners to view, survey, and relocate said road in Coles county. Said commissioners shall report to the counties respectively; and each county to pay the expenses so incurred severally.

Com'rs of  
Coles to act  
in concert.

To report.

Expenses,  
how paid.

Road from  
Charleston to  
Springfield  
vacated.

SEC. 88. That so much of the State road from Charleston, in Coles county, to Springfield, via Essex, in Shelby county, as lies between Charleston and Essex, is hereby vacated and annulled; and Elisha Linder and Noyes are hereby appointed commissioners to view, survey, and locate a State road, from some suitable point near Wabash Point, on the State road from Charleston to Shelbyville, to Essex, in Shelby county.

To locate  
road from  
Charleston to  
Shelbyville.

To locate  
road from  
Louisville to  
J. Onslott's.

SEC. 89. That John Onslott, Jacob Calglazer and Edward Golden, be, and they are hereby, appointed commissioners to view, survey, and locate, a State road from Louisville, to intersect the Western mail route at some convenient point between John Davenport's and John Onslott's.

Time extend-  
ed to finish  
bridge over L.  
Wabash.

SEC. 90. That John W. Sullivan and George Greene, shall have the extension of one year from the passage of this act, to finish the bridge across the Little Wabash river, at or near Louisville, in Clay county, where the road leading from Vandalia to Lawrenceville crosses; and that the act authorizing Robert Toler, William Farmer, and Hugh M'Daniel, to build a bridge across the Little Wabash river, approved March 4th, 1837, be extended or construed so as to give them longer time to build said bridge, to wit: one year from the passage of this act.

Time extend-  
to Toler, Wil-  
liams and M'-  
Daniel to  
build bridge.

Pay of com'rs,  
surveyors and  
hands.

SEC. 91. The allowance to commissioners shall be one dollar and fifty cents per day, for each and every day necessarily employed in the discharge of the duties required; to surveyors, two dollars and fifty cents; and to hands, one dollar; to be paid by the several counties interested, in proportion to the length and distance of road in the county—an equitable and fair proportion of the whole expenses; and the same shall be paid by the counties.

Counties to  
pay equally.



SEC. 92. It shall be the duty of the county commissioners' courts of the several counties through which any road or improvement, authorized by this act, shall be established, shall cause the same, without delay, to [be] opened, worked, and kept in repair, so far as the labor and means of the counties respectively will enable, and with [the] due interest of the county admit.

Com'rs to open roads.

SEC. 93. The county commissioners' court of Jackson county are hereby authorized to appoint commissioners to locate a State road from Gill's ferry to Shawneetown, to carry out the provisions of a bill to establish a State road between said points, passed at the December session of 1836.

Co. com. co. to appoint com'rs to locate road.

SEC. 94. The several commissioners appointed by this act to locate, alter, and amend, the several roads stated, (a majority of any set of reviewers may act,) shall meet by the first Monday of August next, and being duly sworn by some justice of the peace, faithfully and impartially to discharge the duties required of them respectively; and, being so sworn, shall proceed to view, survey, and locate, the several roads and parts of roads, and relocate as stated, from point to point named, on the most eligible route, making the same as permanent as practicable for the public good; and they shall make report to the several county commissioners' courts through which any road may pass authorized in this act, of the part lying and being in such county; which shall be recorded, filed and preserved: *Provided*, It be convenient and deemed advisable, said commissioners may meet, qualify, and locate said roads, at any time after the passage of this act.

Majority of com'rs may act.  
Time e: ing. o  
To be sworn.

Report to be filed.

Proviso.

SEC. 95. There shall be allowed to the Speaker *pro tem.* of the Senate, seven dollars per day, for each day he has served in that capacity during the present session of the General Assembly, in lieu of the allowance made him in the appropriation bill. This act to be considered in force from and after its passage.

Compensation to Speaker pro tem. of Senate.

APPROVED, March 2, 1839.

#### AN ACT regulating Tavern and Grocery license.

In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all laws and parts of laws, authorizing county commissioners' courts to grant licenses to keep tavern, be, and the same are hereby repealed.

Laws repealed.

SEC. 2. County commissioners' courts may grant licenses to keep groceries, upon the following conditions, to wit: First, the applicant shall pay into the county treasury, for the privilege granted, a sum not exceeding three hundred dollars nor less than twenty-five dollars, in the discretion of the court; Second, the applicant shall execute bond, in the penalty of five hundred dollars, with one or more securities, to be approved by the court, conditioned that the applicant will keep an

Conditions of license.

Bond and penalty.

orderly house, and that he will not permit any unlawful gaming or riotous conduct in his house.

Court may grant or reject.

SEC. 3. Upon applications for licenses to keep groceries, the court may reject or grant the same in their discretion.

May be revoked.

SEC. 4. County commissioners' courts shall have power, upon complaint being made to them, to revoke any license granted to keep a grocery, whenever they may be satisfied that the privileges granted have been abused, or that the person to whom the license was granted has violated the law.

Extent of license.

SEC. 5. Licenses granted to keep groceries shall not authorize the person obtaining the license, to vend or sell spirituous or vinous liquors in more than one place or house, and every license shall describe the house and place intended to be occupied.

What grocery deemed to be.

SEC. 6. A grocery shall be deemed to include all houses and places where spirituous or vinous liquors are retailed by less quantities than one gallon.

Power of trustees of towns.

SEC. 7. The president and trustees of incorporated towns shall have the exclusive privilege of granting licenses to groceries within their incorporated limits: and all sums of money, which may be received for licenses granted as aforesaid, shall be paid into the county treasury.

On petition, not lawful to grant license.

SEC. 8. If a majority of the legal voters in any county, justice's district, incorporated town, or ward in any city, shall petition the county commissioners' court, or other authority authorized to grant licenses, desiring that spirituous liquors shall not be retailed within the bounds of said county, justice's district, incorporated town, or ward of any city, then, and in that case, it shall not be lawful to grant any grocery license in said county, justice's district, incorporated town, or ward, until a majority of the legal voters in said county, incorporated town, justice's district, or ward, shall in like manner petition for the granting of said licenses.

Petition for granting license.

APPROVED, March 2, 1839.

In force, Feb. 9, 1839. AN ACT to amend an act, entitled "An act forming an additional justice's district in the county of Randolph."

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the justice's district [created] by the act, entitled "An act forming an additional district in the county of Randolph," approved the twentieth of July, 1837, shall be extended so as to include all the country included in the justice's district laid off by the county commissioners' court of Randolph county, in which the town of Columbus is situated; but one justice and constable to be elected in said district shall reside in said town of Columbus.*

APPROVED, February 9, 1839.

AN ACT to vacate the plat of the town of Savannah, in Iroquois county. In force, March 4, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the survey and plat of the town of Savannah, in Iroquois county, be, and the same is hereby, vacated: *Provided,* The assent of owners of any lots in said town, other than the proprietors, shall first be obtained: which assent shall be made in writing, and recorded in the recorder's office of Iroquois county. This act to take effect and be in force from and after its passage. Plat vacated. Proviso.

This bill having remained with the Council of Revision ten days, and the General Assembly being in session, it has become a law, this 4th March, 1839.

A. P. FIELD, *Secretary of State.*

AN ACT to change the name of the town of Charleston, in the county of Kane, to that of St. Charles. In force, Feb. 9, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the town of Charleston, in the county of Kane, and State of Illinois, be, and the same is hereby, changed to that of St. Charles; and by that name it shall hereafter be known and distinguished in law. Name of town of Charleston changed.

SEC. 2. This act shall in nowise affect the title to the real estate lying and being within the plat of said town; or prejudice, impair, or affect, the rights, privileges, and immunities, of said town. This act to take effect from and after its passage. Act not to affect estate in town.

APPROVED, February 9, 1839.

AN ACT to create the county of Du Page.

In force, Feb. 9, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That all of that tract of country lying within the following boundaries, to wit: Commencing on the east line of Kane county, at the division line between section eighteen and nineteen, in township thirty-seven north, range nine east of the third principal meridian, pursuing the same line eastward until it strikes the Des Plaines river; thence following the said river up to the range line between township eleven and twelve east of the third principal meridian; thence north, on said line, to the township line between forty and forty-one; thence west, on said line, to the east line of Kane county; thence south, on the east line of Kane county, to the place of beginning, shall constitute a new county by the name of Du Page: *Provided, always,* That no part of the county above described, Boundaries of Du Page co.



now forming a part of Will county, shall be included within the said county of Du Page, unless the inhabitants now residing in said part of Will county shall, by a vote to be given by them at the next August election, decide, by a majority of legal voters, that they prefer to have the said territory make a part of the said county of Du Page.

Election,  
where held.

SEC. 2. An election shall be held at the Pre-emption House, in Naperville, on the first Monday in May next, by the qualified voters of said county, for county officers; who, when qualified, shall hold their offices until the next general election: said election shall be conducted, and returns thereof made to the clerk of the county commissioners' court of Cook county, as in other cases; and said clerk shall give certificates of election. And when said county commissioners shall be elected and qualified, the said county of Du Page shall be duly organized. S. H. Skinner, Stephen J. Scott, and Louis J. Butler, are hereby appointed judges of said election.

Judges of elec-  
tion.

Attached to  
7th Jud'l Cir-  
cuit.

SEC. 3. Said county of Du Page shall be attached to the seventh judicial circuit, and the judge of said circuit shall fix the terms of said court therein; two of which shall be held in said county, annually, at Naperville, where the county commissioners may direct, until the county buildings are completed.

County seat.

SEC. 4. For the purpose of locating the permanent seat of justice for said county of Du Page, the following named persons are hereby appointed commissioners, to wit: Ralph Woodruff of La Salle county, Seth Reed of Kane county, and Horatio G. Loomis of Cook, who, or a majority of them, shall meet at the Pre-emption House in Naperville, on the first Monday of June, or within thirty days thereafter, and, first being duly sworn by some justice of the peace, shall proceed to locate the seat of justice for said county, at the most eligible and convenient point: *Provided*, The said commissioners shall obtain for the county, from the claimant, a quantity of land, not less than three acres, and three thousand dollars for the purpose of erecting county buildings; which sum shall be secured to the county commissioners, and paid out, under their directions, for the purposes aforesaid.

Proviso.

SEC. 5. The commissioners appointed to locate said county seat shall each be allowed the sum of three dollars per day, for each day by them necessarily employed in the performance of that duty, to be paid out of the treasury of said county.

Comm'rs' pay.

SEC. 5. The qualified voters of the county of Du Page, in all elections except county elections, shall vote with the district to which they belong, until the next apportionment; and shall, in all respects, be entitled to the same privileges and rights as in general belong to the citizens of other counties in this State.

APPROVED, February 9, 1839.

AN ACT for the relief of the heirs of John Thompson, deceased.

In force, Feb.  
9, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Samuel Hill, guardian of the infant heirs of John Thompson, deceased, late of Randolph county, be, and he is hereby, authorized and empowered to vest the whole amount of money in his hands belonging to said heirs, after payment of necessary expenses, in real estate, for the use of the said heirs when they arrive at lawful age: and the said Samuel Hill, upon making said investment, shall make a true return to the probate justice of the peace, of Randolph county, of the amount of money invested, and the lands bought for the use of the said infant heirs; and such return shall be delivered in upon the oath of the said guardian, and filed in the office of the said probate justice of the peace; and the said guardian shall file a bond in the office of the said probate justice of the peace of said county, in such sums and with such security as shall be approved by the said probate justice of the peace, for the use of said infant heirs, conditioned that he will comply with all the provisions of this act.

Guardian authorized to vest money belonging to heirs, in lands

Return to be on oath.

Guardian to file bond in office of probate justice.

SEC. 2. The act entitled "An act for the relief of the heirs of John Thompson, deceased," approved twenty-seventh February, 1837, is hereby repealed.

Act repealed.

APPROVED, February 9, 1839.

AN ACT to authorize the relocation of part of the State road leading from Stephenson to the mouth of Pickatonica.

In force, Feb. 12, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That George McHenry, James Withrow, and John H. Hanna, be, and they are hereby, appointed commissioners to view and relocate so much of the State road leading from Stephenson to the mouth of the Pickatonica, as lies between Earl P. Aldrich and George McHenry's, on said road, commencing at Earl P. Aldrich's; thence to Solomon Penny's, leaving Penny's farm on the south; thence, north of E. E. Renschaw's, to a line between N. Whitrow's farms; running thence, with a furrow made by plowing, north of James Tabor, A. W. Becks, and Joseph Browning, intersecting the present road at or near George McHenry's, having due regard to private property.

Comm'rs to relocate road.

Route.

SEC. 2. The commissioners aforesaid, or a majority of them, shall meet at some convenient place in the neighborhood of that part of the road proposed to be changed, on the first Monday of June next, or within six months thereafter; and, before entering upon the duties assigned them by this act, shall take an oath before some justice of the peace, faithfully to discharge the duties imposed by this act; and shall proceed to run, mark, and relocate said road; and after they

Time & place of meeting.

Comm'rs' report.



Com'rs' report shall have completed said work, they shall make out a report describing said road as relocated, and deliver a copy to the county commissioners' court of Henry county, where the same shall be filed; and the court shall allow said commissioners a reasonable compensation for their services.

Compensation.

SEC. 3. After said commissioners shall have changed that part of said road, it shall be opened and kept in repair, as other roads are.

APPROVED, February 12, 1839.

In force, Feb. 12, 1839. AN ACT to authorize the County Commissioners of Bond county to loan certain funds therein named.

Bond county may loan its share of appropriation.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners of Bond county may, and they are hereby authorized to continue to loan the distributive share of the two hundred thousand dollars to which said county is entitled by virtue of an act, entitled "An act to establish and maintain a general system of internal improvement," approved twenty-seventh February, 1837, at such rates of interest as said commissioners may agree upon, and expend the interest only for the object for which said appropriation was made, until said commissioners find it expedient to expend the principal also.

May expend interest.

SEC. 2. This act to take effect and be in force from and after its passage.

APPROVED, February 12, 1839.

In force, Feb. 12, 1839. AN ACT to change an appropriation heretofore made to Clinton county.

Preamble.

WHEREAS, by an act of the Legislature of this State, entitled "An act appropriating a portion of the avails arising from the sale of the Saline lands in Gallatin county, to internal improvements," approved February 16, 1831, the sum of one hundred and fifty dollars was appropriated to the county of Clinton, to be expended, under the directions of the county commissioners' court of said county, in improving the St. Louis and Vincennes State road, at or near Beaver creek, in said county: which sum has not yet been realized by the county of Clinton, and therefore remains unexpended according to the original design of the Legislature; and whereas said sum is not now needed to improve said State road aforesaid at or near Beaver creek aforesaid: Therefore,

Appropriation unexpended.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said sum of one hundred and fifty dollars appropriated to the county of Clinton by the above recited act, be, and the same is hereby,



changed from the St. Louis and Vincennes State road to the State road leading from Carlyle to Belleville; to be expended, under the direction of the county commissioners' court of Clinton, in building a bridge across Shoal creek, at the point where the said last mentioned State road crosses said creek.

SEC. 2. The Auditor of Public Accounts shall, and it is hereby made his duty to issue his warrant on the Treasurer of State, in favor of the county of Clinton, for the sum of one hundred and fifty dollars, as aforesaid, whenever called for by the county commissioners of Clinton, or their authorized agent to receive the same: *Provided*, That nothing in this act shall be so construed as to require the Auditor to issue his warrant on the Treasurer, until the money contemplated by the aforesaid act is realized from the Saline fund.

Duty of Aud.  
Pub. Acc'ts.

Proviso.

APPROVED, February 12, 1839.

AN ACT supplemental to an act, entitled "An act to regulate the action of replevin," approved January 29, 1827.

In force, Feb.  
12, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That whenever any goods or chattels shall have been wrongfully distrained, or otherwise wrongfully taken, or shall be wrongfully detained, an action of replevin may be brought for the recovery thereof, by the owner or person entitled to the possession thereof.

Action of re-  
plevin.

SEC. 2. No action of replevin shall be [lie] at the suit of the defendant, in any execution or attachment to recover goods or chattels seized by virtue thereof, unless such goods and chattels are exempted, by law, from such execution or attachment; nor shall an action of replevin lie for such goods and chattels at the suit of any other person, unless he shall, at the time, have a right to reduce into his his, her, or their possession, the goods taken.

SEC. 3. The person or persons bringing such action, or some one in his, her or their behalf, shall, before any writ shall issue, make oath or affirmation before the clerk of the circuit court, or any justice of the peace of the proper county, that the plaintiff in such action is the owner of the property described in the writ about to be replevied, or that he is then lawfully entitled to the possession thereof; and that the same has not been taken for any tax, assessment, or fine, levied by virtue of any law of this State; nor seized under any execution or attachment against the goods and chattels of such plaintiff, liable to execution or attachment. This act to take effect and be in force from and after its passage.

Person to take  
oath.

APPROVED, February 12, 1839.

In force, Feb. AN ACT to authorize Benjamin McKay, and others, to lay off additional lots in the town of Stephenson, in Rock Island county.

Additional lots may be laid off in the town of Stephenson.

Proviso.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Benjamin McKay, Jonah H. Case, and John W. Spencer, be, and they are hereby, authorized to make and lay off lots of convenient size, corresponding in the width of their fronts with the other lots on the bank of the Mississippi river, beginning at the point where Eagle street, in the town of Stephenson, in Rock Island county, strikes said river; thence up and along the bank of said river as far as their land extends, leaving corresponding width for the several streets already laid off to pass to the river: Provided, That the width of Water street shall, at no point, be less than seventy-five feet throughout their said addition; and the plat of the lots so laid off shall be recorded as other town plats. This act to take effect and be in force from and after its passage.*

APPROVED, February 6, 1839.

In force Dec. 4, 1838. AN ACT to amend an act to change the name of Watson James Filley.

Preamble.

W. J. Filley's name changed Future name. Privileges.

WHEREAS Matthew Cyrus presented his petition to this General Assembly, at its last session, stating that he had adopted Watson James Filley as a son, and asking a change of the name of the said Filley to that of Cyrus, and also asking that the said Filley be constituted one of the legal heirs of said Cyrus, and be thereby entitled to an equal distribution of his estate with the other children of said Cyrus, upon which petition an act was passed changing the name of said Filley, and said Cyrus has again petitioned that said Filley be declared one of his heirs, as aforesaid: Therefore,

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the said Watson James Filley Cyrus shall be deemed and considered as one of the heirs at law of the said Matthew Cyrus.*

Certificate of Sec. State.

This bill having been laid before the Council of Revision, and ten days not having intervened before the adjournment of the General Assembly, and the said bill not having been returned, with the objections of the Council, on the first day of the present session of the General Assembly, the same has become a law.

Given under my hand, the fourth day of December, 1838.

A. P. FIELD, *Secretary of State.*

AN ACT for the benefit of a person therein named.

In force, Dec.  
4, 1838.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the bands of matrimony now existing between Julia Ann Hull and her husband Jeremiah Hull, of Clinton county, Illinois, be, and the same are hereby, dissolved: and the said Julia Ann shall hereafter bear the name of Carrigan.

*J. A. Hull dissolved from matrimony. Future name.*

This bill having been laid before the Council of Revision, and ten days Certificate of not having intervened before the adjournment of the General Assembly, and the said bill not having been returned, with the objections of the Council, on the first day of the present session of the General Assembly, the same has become a law.

Given under my hand, the fourth day of December, 1838.

A. P. FIELD, *Secretary of State.*

AN ACT to prohibit the circulation of bank notes of a less denomination than five dollars.

In force, Dec.  
4, 1838.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That from and after the first day of September next, no person or persons shall be permitted to utter or pass in this State, as or in lieu of money, any bank bill or note, made or issued by any banking institution, or purporting to have been made or issued by any banking institution, of a less denomination, or for a less sum than five dollars; and each and every person or persons offending herein, shall forfeit and pay the sum of five dollars for every offence; which may be recovered, with cost of suit, by action of debt, or assumpsit, before any justice of the peace, by any person who will sue for the same: *Provided,* The provisions of this act shall not apply to the uttering or passing of any bank bill or note, issued by any banking institution in this State authorized by its charter to make, utter, or issue, bills or notes of a less denomination than five dollars.

*No person allowed to issue notes less than five dollars. Penalty for so doing. Proviso.*

SEC. 2. That any person or persons who shall use or lend any bill or note of any bank within the provisions of the first section of this act, for a less denomination than five dollars, and who shall take obligations in writing, or verbal promise, for the re-payment thereof, of any note or bill of the charter [character] and description aforesaid, loaned as aforesaid, shall not be permitted to collect the same; and it shall be competent for the defendant, in any suit brought for the collection thereof, to plead that the obligation in writing, or verbal promise, was made and executed or given for and in consideration of notes and bills of a less denomination than five dollars, made, uttered, and issued by incorporated companies, or by banking institutions, other than those excepted in the proviso to the first section of this act; which plea, when so made, shall be deemed good in law: and the plea so pleaded shall be deemed a bar to the action.

*Such notes not collectable.*



**SEC. 3.** If any person or persons shall utter or pass, as or in lieu of money, any note or bill issued and published by any joint stock or other company not incorporated, or purporting to have been so issued or published; such person or persons shall not be permitted to collect any demands arising therefrom: and the plea allowed in the second section of this act, shall be taken and allowed a good and sufficient plea, in bar of any such demand; and such person or persons so uttering or passing notes or bills issued and published as aforesaid, shall be deemed and considered swindlers; and shall be liable to indictment as such; and, upon conviction, shall be fined, in any sum not less than one hundred dollars, nor more than one thousand dollars, for each offence.

Plea in bar of demand, good.

Liability of issuing.

Certificate of Sec. State.

This bill having been laid before the Council of Revision, and ten days not having intervened before the adjournment of the General Assembly, and the said bill not having been returned, with the objections of the Council, on the first day of the present session of the General Assembly, the same has become a law.

Given under my hand, the fourth day of December, 1838.

A. P. FIELD, *Secretary of State.*

In force, Dec. 4, 1838.

#### AN ACT for the relief of Mary Evans.

Mary Evans to convey lands.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Mary Evans, of the county of Washington, in the State of Virginia, be, and she is hereby authorized and empowered to sell and convey, on the best terms she may be able to do, the following tract of land, situated in the county of Fayette, Illinois, viz: The southeast quarter, southeast [quarter] section number seven, township number six north, range one west: containing forty acres.*

Description of lands.

Certificate of Sec. State.

This bill having been laid before the Council of Revision, and ten days not having intervened before the adjournment of the General Assembly, and the said bill not having been returned, with the objections of the Council, on the first day of the present session of the General Assembly, the same has become a law.

Given under my hand, the fourth day of December, 1838.

A. P. FIELD, *Secretary of State.*

In force, Dec. 4, 1838.

#### AN ACT for the purposes therein mentioned.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the sub-division of block number thirty, in section sixteen, or school section, in township thirty-nine north, of range fourteen east of the third principal meridian, and the plat thereof, as made and recorded in the office of the recorder of Cook county, by one Russell E. Hecock, be, and the same are hereby made null and*

Plat vacated.

void; and that the subsequent sub-division of the premises aforesaid, and the plat thereof, as made and recorded in the office of the recorder of the county of Cook, State of Illinois, by one Francis G. Blanchard, be, and the same are hereby, Plat in full force. declared to be in full force and virtue.

SEC. 2. This act to take effect and be in force from and after its passage.

This bill having been laid before the Council of Revision, and ten days not having intervened before the adjournment of the General Assembly, and the said bill not having been returned, with the objections of the Council, on the first day of the present session of the General Assembly, the same has become a law. Certificate of Sec. State.

Given under my hand, the fourth day of December, 1838.

A. P. FIELD, *Secretary of State.*

AN ACT to change the name of the town of Fairfield, in Adams county. In force, Feb. 12, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented the General Assembly,* That the name of the town of Fairfield, in the county of Adams, be, and the same is hereby, changed; and hereafter said town shall be known and called by the name of Mendon. Name of town changed.

APPROVED, February 12, 1839.

AN ACT to provide for certain improvements in Pike county.

In force, Feb. 9, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the amount to which the county of Pike is or may be entitled, under the provisions of the 18th section of the "Act to establish and maintain a general system of internal improvements," shall remain in bank, and be entered to the credit of Pike county, to be drawn upon the order of the county commissioners of said county, as hereinafter provided. Am't due Pike co. to remain in bank subject to order of com'rs.

SEC. 2. That for the purpose of promoting the works of internal improvement contemplated by this act, the said county is hereby divided into districts, as follows: All that part of said county lying north of the road leading from Augusta to Burnett's ferry, on the Mississippi river, and east of the range line between townships four and five west, shall compose the first district, and George W. Hinman is hereby appointed commissioner of the same; and all that part of said county north of said road, and west of said range line, shall compose the second district, and Mishal Guard is hereby appointed commissioner of the same; and all that part of said county lying south of said road, and east of the range line between three and four west, shall compose the third district, and that Charles M'Evans be commissioner of the same; and all

Co. divided into districts.  
1st district.

Com'r.

2d district.

Com'r.

3d district.

Com'r.



4th district. that part of said county south of said road, and west of the last mentioned range line, shall compose the fourth district, and that David Hubbard be commissioner of the same.

Com'r.

5th district.

Com'r.

SEC. 3. The road from Augusta, via Pittsfield, New Hartford and Atlas, to Burnett's ferry, on the Mississippi river, shall compose the fifth district, and Judson Clement shall be commissioner of the same.

Money, how expended.

SEC. 4. That the amount of money due said county as aforesaid shall be apportioned and economically expended on the following works of improvements, to wit: Five hundred dollars on the road from Perry to the Illinois river; four hundred dollars on the road from Griggsville to Adams county line; five hundred dollars on the road from Worcester, via New Canton, to Piketon, on the Mississippi river; one thousand dollars on the road from Calhoun county line, where the road to Clarksville intersects the same, via Fairfield, Martinsburg, to Pittsfield; five hundred dollars on the road from Montezuma, via Milton, to Pittsfield; five hundred dollars on the road from Pittsfield to Adams county line, in the direction of Payson's; five hundred dollars on the road from Rockport, via Pleasant Vale and Kinderhook, to Adams county line; six hundred dollars from Rockport to Calhoun county line, under the bluff; three hundred dollars from Seely's bridge, on the road to Galaway's residence; two hundred dollars on the road from Bay creek to Calhoun county line, on the road to Beaman's ferry; five hundred dollars on the road from Montezuma to Seely's; three hundred dollars on the road from Perry to where it intersects the road from Griggsville to Pittsfield; four hundred dollars on the road from Griggsville to Naples; five hundred dollars on the road from Pearl prairie, via Franklin, Milton, to Griggsville; four hundred dollars on the road from Griggsville, via Worcester, to Kinderhook; two hundred dollars on the road from Perry to Adams county line; five hundred dollars on the road from Philips' ferry, via Griggsville, to Pittsfield; five hundred dollars on the road from Schuyler county line, through South prairie, to Pittsfield; two hundred dollars on the road leading from Dutton's via Washington, till it intersects the road leading from Pittsfield to Worcester; five hundred dollars to the improvement of the navigation of M'Kee's creek, as far up as Chambersburgh, and that B. B. Mitts be commissioner to superintend said work.

\$2,000 to court house.

Co. com'rs to draw on bank.

SEC. 5. That the sum of two thousand dollars is hereby appropriated towards finishing the court house of said county, and that the county commissioners are hereby required to draw their order on the Bank for said amount, and cause the same to be paid to the contractor of said court house.

Balance appropriated.

SEC. 6. The residue and remainder of the appropriation which may be due the county of Pike, be, and the same is hereby, appropriated to the improvement of the road leading from Augusta to Burnett's ferry, on the Mississippi river, to



be expended under the direction of the commissioner of the fifth district.

SEC. 7. The county commissioners shall apportion to the four first named districts such portions of the several appropriations on the roads in said districts as they may deem practicable, having due regard to the length and conditions of the roads, and importance of the same, so that all the appropriations shall be expended on the roads as heretofore specified. Apportionment to four first districts.

SEC. 8. Each commissioner appointed by the provisions of this act, before entering upon the duties assigned him, shall enter into bond, with good securities, in such sum as may be determined upon by said court, conditioned that they will faithfully and honestly discharge their duties under this act, by prosecuting the several objects of improvement given to their charge, with economy and strict regard to the public interests, and that they will apply all moneys which may come into their hands agreeable to the provisions of this act; which bond shall be approved of by said court and filed in the office of the clerk. Com'rs to give bond.  
  
Bond to be approved by court.

SEC. 9. The county commissioners may draw from the bank one-fourth part of said appropriations, and apportion the same to each commissioner as aforesaid; and whenever said commissioner shall expend the same, and certify under oath that he has made a faithful application of the amount received by him, then the said county commissioners shall draw and pay over another fourth part of the said appropriation as aforesaid, and so on alternately until the whole amount shall be expended. One-fourth part to be drawn.  
  
Fourth part drawn alternately.

SEC. 10. Whenever any vacancy shall happen in either of said districts by any of the commissioners refusing to act, or by death or otherwise, it shall be the duty of said court to appoint some suitable person to fill such vacancy, who shall enter into bond as aforesaid. Each commissioner appointed under the provisions of this act shall be entitled to two dollars and fifty cents per day for every day's service actually performed, to be deducted from the appropriation made to their respective districts: *Provided*, The county commissioners of said county may appropriate an additional sum of three hundred dollars on the road from Schuyler county, near Simon Taylor's, via Henman's, to Pittsfield. Vacancy, how filled.  
  
Pay of com'rs  
  
Proviso.

APPROVED, February 9, 1839.

AN ACT to change a certain State road in Morgan county.

In force, Feb. 9, 1839.

SEC. 4. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Jacob Barton, William French, and Garrison W. Berry, be, and they are hereby, appointed commissioners to review and relocate a part of the State road leading from Jacksonville to Naples.* To review

Time and  
place of meet-  
ing.  
To be sworn.

Boundaries of  
read.

Map & state-  
ment to be re-  
turned.

Parts vacated.

Pay of com'rs.

SEC. 2. Said commissioners, or any two of them, shall meet in the town of Jacksonville, on the first Monday in April next, or some day thereafter, and after having been duly sworn by some justice of the peace, to the faithful discharge of their duty as required in this act, shall proceed to review and relocate said State road as follows, to wit: Beginning at the northwest corner of Mr. Post's fence, and running the old road until it strikes the half sectional line of section nineteen; thence following that line forty rods, and thence running in a west direction until it intersects the present road near Mr. Smith's, and meets the road opened by Catlin and Duncan, on the west line of the east half of the southwest quarter of section twenty-four, township fifteen north, range eleven west, of the third principal meridian.

SEC. 3. After said commissioners shall have located said road, as provided for in the foregoing section, they shall make a map of the same, and also a written statement of the location, showing the changes made from the present travelled route, and return said map and written statement to the clerk of the county commissioners' court of Morgan county, which shall be filed and preserved by said clerk. Said road, when so located, shall be and remain a State road, and shall be opened and kept in repair as other State roads are.

SEC. 4. All parts of the present road that are changed by said commissioners shall, after the relocation and opening of said new location, be vacated.

SEC. 5. Said commissioners shall receive, out of the county treasury of Morgan county, two dollars per day as a compensation for their services. This act to be in force from and after its passage.

APPROVED, February 9, 1839.

In force, Feb  
12, 1839.

AN ACT in relation to the records of Johnson county.

Powers of co.  
com'rs.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Aesembly,* That the county commissioners' court of Johnson county, be, and they are hereby, authorized to contract with the recorder of deeds for said county of Johnson, for the transcribing, into suitable books, all deeds and other instruments of writing heretofore recorded in said recorder's office, and that they be allowed to pay the said recorder a reasonable compensation therefor out of the funds of said county.

SEC. 2. This act to take effect from and after its passage.

APPROVED, February 12, 1839.



AN ACT to legalize the acts of John Simpson, a Justice of the Peace in Johnson county. In force, Feb. 12, 1839.

**WHEREAS** John Simpson was commissioned a justice of the peace in and for the county of Johnson, on the 26th of August, 1835, for the next four years, and from the date of said commission the said John Simpson continued to execute and perform the duties of that office for said county, until his resignation of said office; but the said John Simpson being sworn into office by a justice of the peace, viz: John N. Colbert, of said county, instead of being sworn into office by the clerk of the county commissioners' court, as is required by the sixth section of "An act declaring what shall be evidence in certain cases," approved January 10, 1827: Now, therefore,

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all and singular the acts of the said John Simpson, as such justice of the peace, be, and they are hereby, declared legal and binding to all intents and purposes, either at law or in equity, as if the said John Simpson had been sworn into office as the law requires. *Proceedings declared legal*  
This act to be in force from and after its passage.

APPROVED, February 12, 1839.

AN ACT for the relief of the inhabitants of township numbered two south, range eight east, in Wayne county. In force, Feb. 9, 1839.

**WHEREAS** the trustees of school lands in township numbered two south, range numbered eight east, in Wayne county, State of Illinois, did, under the school laws of said State, survey, divide, and sub-divide, section numbered sixteen, in said township, and value the same, which said valuation, together with the plat, has been duly returned to the office of school commissioner and agent for the inhabitants of said county; *and whereas* the said land was valued too high, as appears from the fact that it did not sell when offered at public sale; nor did it sell at private sale: Therefore,

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the acts of the said trustees as relates to the valuation of the said land be, and the same is hereby, rescinded; and the said trustees, or their successors in office, be, and they are hereby, authorized and required to revalue said land, and report to the school commissioner and agent for the inhabitants of said county, as though there had been no valuation; and said school commissioner shall proceed to advertise and offer for sale as by law directed in other cases. *Acts rescinded. Lands to be revalued. To sell.*

APPROVED, February 9, 1839.



In force, Feb. 12, 1839. AN ACT to change an appropriation made to the county of Lawrence.

Appropriation, how expended. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners of the county of Lawrence be, and they are hereby, authorized and required to expend the sum of three hundred dollars heretofore appropriated to said county by an act, entitled, "An act relating to the Gallatin Saline and the land belonging to the same," approved January 16, 1836, in the improvement or construction of roads and bridges in said county, any law to the contrary notwithstanding.

APPROVED, February 12, 1839.

In force, Feb. 12, 1839.

AN ACT in relation to garnishees.

Garnishee. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever a judgment has heretofore been rendered by any court of record, or shall hereafter be rendered by any court of record, or any justice of the peace, in this State, and an execution against the defendant or defendants in said judgment shall have been returned by the proper officer, "no property found," on the affidavit of the plaintiff, or other credible person, being made before the clerk of said court or justice of the peace, that said defendant or defendants have no property within the knowledge of such affiant, in his or their possession, liable to execution; and that such affiant hath just reason to believe that another person or persons is or are indebted to such defendant or defendants, or hath or have any effects or estate of such defendant or defendants in his or their hands, it shall be lawful for said court, or justice of the peace, to cause the person or persons supposed to be indebted to, or supposed to have any of the effects or estate of, the said defendant or defendants, to be summoned forthwith to appear before said court or justice, as a garnishee or garnishees; and said court, or justice of the peace, shall examine and proceed against such garnishee or garnishees, in the same manner as is required by law against garnishees in original attachments.

Affidavit to be filed. SEC. 2. No proceedings against a garnishee or garnishees shall be quashed or set aside, or said garnishee or garnishees discharged, on account of any insufficiency of the original affidavit or summons, if the plaintiff or plaintiffs, or other credible person, for him, shall cause a legal and sufficient affidavit to be filed, or the summons to be amended in such time and manner as the courts, or justices of the peace, shall respectively in their discretion direct; and in that event, the cause shall proceed as if such proceedings had originally been sufficient.

APPROVED, February 12, 1839.

AN ACT to amend "An act concerning Justices of the Peace and Constables," approved February 3, 1827. In force, Feb. 12, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That from and after the passage of this act, it shall not be lawful for any justice of the peace, without the consent of all the parties to any suit pending before him, to order a trial by jury, unless such trial shall be demanded before either of the parties shall have offered any evidence in support or defence of any such suit, nor unless the party demanding such trial by jury shall first pay the fees to which the jurors trying the same shall be entitled. Restriction on justices peace.

APPROVED, February 12, 1839.

AN ACT to relocate part of a State road in Franklin county. In force, Feb. 12, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Annanias Elkins, Joseph Moore, and James Dillon, be, and they are hereby, appointed commissioners to review, mark, and relocate, so much of the State road leading from New Nashville, in Washington county, to Equality, in Gallatin county, as lies between the head of the Goose pond, in Franklin county, and Azariah Whittington's, in said county. Commissioners appointed to review and relocate part of State road.

SEC. 2. The said commissioners, or a majority of them, shall meet at the office of James Akins, Esq., on the first Monday in May next, or within thirty days thereafter; and after being duly sworn by said Akins, or some other justice of the peace, shall proceed to review, mark, and relocate said road as aforesaid, having due regard to the public convenience and the best ground, doing as little injury as possible to private property. Time & place of meeting.

SEC. 3. The said commissioners shall, as soon as practicable after discharging the duties required by this act, return a plat of their survey and location to the county court of Franklin, which shall be filed by the clerk of said court as a part of the record of said court; and the county commissioners of said county shall pay said commissioners, out of the county treasury of said county, two dollars per day for each day necessarily employed in performing the duties required of them as aforesaid; and the county commissioners' court of said county of Franklin shall cause said road to be opened and kept in repair as other State roads are. Plat to be filed.

APPROVED, February 12, 1839.



In force, Feb. 12, 1839. AN ACT appointing an additional Notary Public for the county of Hancock.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the Governor, by and with the advice and consent of the Senate, to appoint one notary public in the town of Warsaw, in Hancock county, whose duties and term of service shall be the same as are now prescribed and required by law, any law to the contrary notwithstanding.

APPROVED, February 12, 1839.

In force, Feb. 12, 1839. AN ACT making an appropriation to enclose the graves of deceased State officers, in the town of Vandalia.

Preamble. WHEREAS it has pleased Divine Providence to call from existence certain individuals, whilst absent from their families and homes, in the discharge of their official duties as members of the General Assembly of the State of Illinois: Therefore,

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Robert Blackwell be, and he is hereby, authorized to enclose with a good substantial paling fence, and to paint the same, the graves of William McHenry, Benjamin A. Clark, John Thompson, J. B. E. Canal, and Alexander F. Grant, in the town of Vandalia; and to procure and have placed at the head and foot of each of the graves above mentioned, tomb stones; and to have engraved, on the stone placed at the head, the name of the person at whose grave it stands, with the description of the office the same may have held, as Senator, Representative, or Judge, as the case may have been, the date of the death, and age.

SEC. 2. The said Robert Blackwell shall keep an account of the cost of the fencing and stones described in the first section of this act, and present the same to the Auditor of Public Accounts, who is hereby authorized to draw his warrant on the treasurer, in favor of said Robert Blackwell, for the amount of said account: *Provided,* Said account shall not exceed the sum of two hundred dollars.

APPROVED, February 12, 1839.



AN ACT further to amend the act, entitled "An act to establish and maintain a General System of Internal Improvements." In force, Mar. 1, 1839.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the 27th section of the act, to which this is an amendment, shall be so construed as to authorize the owner or owners of lands, waters, or materials, which shall have been taken for the purpose of any of the public works mentioned in said act, to have redress and remuneration for the injuries or supposed injury, on his, her, or their application in the manner prescribed, and under the provisions of "An act concerning the right of way, and for other purposes," approved February 28, 1833.

Section of act construed.

Redress for injuries.

SEC. 2. It shall be the duty of the Fund Commissioners to purchase and furnish the iron, machinery, and other materials for the use of the public works of the State, upon the requisition of the Board of Public Works, whose duty it shall be to furnish the Fund Commissioners with orders, from time to time, of the quantity, quality, character, and description of the iron, machinery, and other materials required; and upon the receipt of any such iron, machinery, and materials, the said Board of Public Works shall furnish vouchers therefor to the said Fund Commissioners, and shall moreover charge each particular work under their management with the quantity of any such iron, machinery, or materials used thereon.

Duty of Fund Com'rs.

SEC. 3. It shall be the duty of the Fund Commissioners to keep duplicate accounts and vouchers for all costs of purchase and transportation of any iron, machinery, or materials, or of any other expenditure; one of which duplicate accounts and vouchers shall be filed in their office, and the other duplicate of said accounts and vouchers in the office of the Board of Public Works; and the Board of Public Works shall also furnish duplicate accounts and vouchers of all moneys expended by them; one copy of which shall be left at their office, and the other copy at the office of the Fund Commissioners.

Further duty. Duplicate accounts.

SEC. 4. It shall be the duty of the Fund Commissioners and of the Board of Public Works, respectively, to keep a just and true inventory of all property, real or personal, which may be purchased for the use of the State, including instruments, and all other articles; and it shall be the duty of each of said Boards to account for all such property, by evidence of loss or destruction, or by delivering the same, or the proceeds thereof, to the State.

Inventory of property.

SEC. 5. The Fund Commissioners shall not hereafter allow any credit to any Commissioner of the Board of Public Works, unless the voucher, upon which such credit is allowed, shall specify the particular work upon which the money paid by such Commissioner was expended, and the use or purpose of such expenditure.

Vouchers for credit to Board of Pub. Works.

Separate  
accounts.

SEC. 6. That the Board of Public Works shall open and keep an account with each object of appropriation in such a manner as to show the items of expenditure upon each work under its charge, and shall also keep a distinct and accurate account of all expenditures at and for the Central office, including all incidental and necessary expenses for the same, specifying each item of expenditure.

Lettings.  
Proviso.

SEC. 7. No lettings shall, at any time, be made without the order of the Board: *Provided, always,* That any two Commissioners may relet any contract which shall be declared abandoned or forfeited.

Com'rs not to  
have above  
10,000.  
Lateral  
branch.

SEC. 8. No Commissioner of Public Works shall have, at any time, more than ten thousand dollars in his hands.

SEC. 9. Hereafter, no lateral branch road of any main line shall be constructed by the Board of Public Works, until provision shall be made therefor by the General Assembly.

Special drafts.

SEC. 10. The Commissioners of the Board of Public Works may draw special drafts, for any sum exceeding five hundred dollars, in the manner and under the restrictions set forth in the twenty-fifth section of the "Act to establish and maintain a general system of internal improvements."

Lateral br'nh  
of Alton and  
Shelbyville  
road.

SEC. 11. The Board of Commissioners of Public Works are hereby authorized to locate and construct a lateral branch railroad of the Alton, Hillsborough, and Shelbyville railroad, from some eligible point on the said railroad, between Upper Alton and Hillsborough, to Carlinville, in Macoupin county; and the aforesaid railroad west of Shelbyville, and the Central railroad, shall be combined in one line, to such extent as the nature of the county [country] will admit of a judicious location of both lines together.

\$150,000 to  
improvement  
of Little Wa-  
bash.

SEC. 12. The sum of one hundred and fifty thousand dollars is hereby appropriated to the improvement of the navigation of the Little Wabash river, in addition to the sum heretofore appropriated; and the Fund Commissioners are hereby required to furnish the funds for the same. And there is hereby appropriated the sum of fifty thousand dollars, in addition to the sum heretofore appropriated, for the improvement of Rock river.

\$50,000 to  
Rock river.

Sec. repealed.

SEC. 13. That the forty-fifth section of the "Act to establish and maintain a general system of internal improvements," be and the same is hereby repealed.

View to price  
of labor.

SEC. 14. The Commissioners of Public Works, in all future lettings, shall have a general view to the price of labor and cost of provisions in the State, and shall so conduct their operations as to best advance the interests of the State and promote the progress of the works under their charge; and, generally, to proceed with a view to accommodate the actual wants of the community and the ability of the State.



SEC. 15. It shall be the duty of the Fund Commissioners, within ten days after selling and delivering any bonds or certificates of internal improvement stock, to make out triplicate statements of the number and amount of bonds or certificates of stock so executed by them on the part of the State, to whom delivered, the amounts of premiums received thereon, the rates of interest agreed to be paid, and the time at which the principal of such bonds is reimbursable; and shall forthwith transmit one of said statements to the Auditor of Public Accounts, and one to the Treasurer, to be by them registered (of record) in their respective offices; and the remaining statement shall be preserved by the said Commissioners, to be handed over in person to the said Auditor of State, in case of the non-reception of the statement theretofore transmitted by mail.

Fund Com'rs  
after the sale  
of bonds to  
make tripli-  
cate state-  
ments.

One to Audi-  
tor.  
One to Trea-  
surer.

SEC. 16. In all cases where the State bonds or certificates of loans for any purpose are required, by law, to have thereon the impress of the great seal of the State, the Secretary of State shall, and it is hereby made his duty to put the same thereon, without delay and without charge for the same.

Sec. of State  
shall affix  
seal

SEC. 17. The Board of Commissioners of Public Works shall have power to remove their Secretary from office for any neglect or omission of duty, incapacity to perform the same, or want of faithfulness therein, and shall spread the causes of such removal at large on their journal. No Secretary of the Board shall be elected for a longer time than two years, but may be re-elected at the pleasure of the Board.

Board may  
remove their  
Secretary.

SEC. 18. In cases of difference of opinion, the Board shall cause the ayes and noes to be entered on their journal, on all questions involving the appointment and removal of officers, the location of routes, the orders for letting contracts, and the expenditures of money.

Yeas and  
noes to be re-  
gistered.

SEC. 19. All the lands and public works of this State shall be exempt from taxation for State, county, corporation, or other taxes.

Lands and  
works of State  
exempt from  
tax.

SEC. 20. The Board of Public Works may, when they deem it expedient so to do, order town plats to be laid out and recorded, by the several acting Commissioners, on lands belonging to the State, at such suitable points as they may deem the best interest of the State to require, and to make sale of a portion of the lots therein, on such terms and under such restrictions and limitations as the Board may adopt; but, in all cases, the lots shall be valued, under oath, by two of the Commissioners of Public Works, previous to sale, and shall be sold at public sale, at a price not less than such valuation.

SEC. 21. It shall be the duty of the Board of Public Works, and of the acting Commissioners in charge of any river improvements, to prosecute the same promptly, and

River im-  
provements.



without delay, at all times, whenever the stage of water in the rivers will admit thereof.

Copy of all  
contracts to  
Fund Com<sup>rs</sup>.

SEC. 22. The Commissioners of Public Works shall furnish to the Fund Commissioners a copy of all contracts entered into by the Board of Public Works, within sixty days after the signing of such contract. No contract, made without the notice required by law, shall be binding on the State; nor shall any contract, made without such notice, be regarded by the Board of Public Works: *Provided*, That this shall not be so construed to apply to the reletting of contracts.

Proviso.

Lands entered  
chargeable to  
work.

SEC. 23. Any lands purchased or entered by any Commissioner of Public Works, under the provisions of the twenty-seventh section of the "Act to establish and maintain a general system of internal improvements," shall be charged to the particular work for the benefit of which the same may have been entered or purchased.

Removal of  
com<sup>rs</sup> from  
office.

SEC. 24. Any Commissioner of the Board of Public Works, who shall hereafter fail or refuse to account for any and all public moneys in his hands, or who shall be guilty of any palpable omission of duty, or of want of proper attention to his duty, or if, from his inability in any way, the interest of the State is evidently suffering, the Commissioners of the Board of Public Works shall lay the facts before the Governor, who, on a full hearing and examination of the case, may remove such Commissioner, and appoint another in his place, who shall hold his office until the end of the next session of the General Assembly.

When consid-  
ered guilty of  
embezzle-  
ment.

SEC. 25. If any Commissioner of the Board of Public Works, or any Fund Commissioner, shall loan, or otherwise convert to his own private use, any of the public funds coming into his hands as Commissioner, he shall be judged guilty of embezzlement, and, on conviction thereof, shall be punished as in other cases of embezzlement.

Strict econo-  
my in engi-  
neer depart-  
ment.

SEC. 26. The Board of Public Works, in its organization of the engineer department of the public works, shall consult the strictest economy consistent with an efficient and correct prosecution of the several works in progress, and shall require, of each and every person in their employ, the most rigid accountability in the discharge of their respective duties; and shall hear and promptly investigate all charges and complaints against any such persons, for neglect of duties, or otherwise.

Fixed com-  
pensation of  
officers.

SEC. 27. Each and every person in the service of said Board, or of any acting Commissioner, employed by the day, month, year, or otherwise, as agent, engineer, superintendent, or in any other capacity, shall receive a fixed and certain compensation for his services, and shall not be allowed any sum beyond such fixed compensation for his personal, contingent, or other expenses, under any name or pretence whatever; nor shall any such person be paid for any time for which he shall not have been actually in the discharge of his duties.

SEC. 28. A register of their names and rate of compensation of every agent, engineer, superintendent, surveyor, clerk, Register of officers. draftsman, and *rodman* employed in each circuit, respectively, shall be kept by the Secretary of the Board in his office, showing also the commencement and the end of the term of service of each individual; which register shall at all times be opened, during office hours, to the inspection of any person who may wish to inspect the same; and whenever any acting Commissioner shall employ or dismiss from service any person during the vacation of the meetings of the Board, he shall forthwith notify the Secretary, in order that the entry thereof may be made on said register.

SEC. 29. The per diem compensation now allowed by law Per diem compensation of com'rs. to the Commissioners of the Board of Public Works and Fund Commissioners, shall be in full for their services; and no allowance shall be made, in addition thereto, for their personal, contingent, or travelling, or other expenses, under any name whatever.

SEC. 30. A railroad shall be constructed from Rushville Road from Rushville to Erie. to Erie, on the bank of the Illinois river; and for the construction and completion of said road and appendages, the sum of one hundred thousand dollars is hereby appropriated for that purpose; and the Fund Commissioners are hereby required to furnish the funds for the same: *Provided, however,* Proviso. That no survey shall be made of said road until all the companies incorporated to make railroads from Rushville to Erie, or to any other point on the Illinois river, above the mouth of Crooked creek, and below the mouth of the Sangamon river, shall have relinquished their charters, and surrendered, Charters relinquished. absolutely and unconditionally, all rights to make any such road, and all claim to damages for the right of way, or for surrendering their charters.

SEC. 31. That the sum of five thousand dollars be, and \$5,000 to complete western mail route. the same is hereby, appropriated to complete the Western mail route near Maysville, on the bottom of the Little Wabash river.

SEC. 32. That the further sum of fifteen thousand dollars \$15,000 for portion of mail route. be, and the same is hereby, appropriated for the completion of that portion of the Western mail route as lies between Lawrenceville and Vincennes; and for the purpose of protecting the said road from injury from the overflowing of the Wabash river, the Board of Commissioners of Public Works are hereby authorized to construct a substantial levee at "Bellegrave," to exclude the water of the Wabash from the "Purgatory" swamp, over which the said mail route is constructed: *Provided, however,* Proviso. That the improvement contemplated in this section shall be made in the most economical manner, and with the least possible expense; and if the aforesaid sum shall not be necessary to effect the object, the balance of the sum shall remain subject to the further disposition of the General Assembly.



Contracts to  
be in continu-  
ous line.

SEC. 33. It shall be the duty of the Board of Public Works to have all works put under contract in a continuous line, commencing at the terminating points of said road, except in those cases where it may be necessary to put the works at the crossing of streams, or other places under contracts, in advance of other works, so as to have uniformity in the time of finishing said work.

Regular meet-  
ing; when to  
be held at  
Springfield.

SEC. 34. That from and after the first day of April next, the regular meetings of the Board of Fund Commissioners, and the Commissioners of the Board of Public Works, shall be held at Springfield.

When com'rs  
resign or go  
out of office.

SEC. 35. That when any Commissioner of the Board of Public Works shall resign or go out of office, he shall be allowed until the next general meeting of the Board to settle and adjust his accounts with such Board; and if he shall have any moneys in his hands belonging to the State, it shall be his duty to pay the same over to the Fund Commissioners; and if there shall be any money found to be due to such Commissioner upon such settlement and adjustment of accounts, any balance, it shall be the duty of the Fund Commissioners to pay over the same.

Improvement  
of Illinois  
river extended  
to Ottawa.

SEC. 36. The improvement of the navigation of the Illinois river, provided for in the second division of the eighteenth section of the act to which this is an amendment, is hereby directed to be extended east of the third principal meridian to the town of Ottawa.

Western mail  
route.

SEC. 37. The provisions of the twelfth section of the act to which this is an amendment, requiring and authorizing the Board of Public Works to survey and locate the several improvements under their supervision, shall be construed to extend to the Great Western mail route between Vincennes and St. Louis: *Provided*, That nothing herein contained shall be so construed as to authorize the Board to divert the said location from any town or post-office now located on the present line of said road, or to change the present route thereof, from any street in said towns through which the said mail route has heretofore run.

Proviso.

Fund com'rs  
to audit ac-  
counts of  
com'r of 4th  
circuit.

SEC. 38. The Fund Commissioners are hereby authorized to audit and settle the accounts of the acting Commissioner of the fourth judicial circuit, for the disbursements made by him for the expenses of the survey and examination of the Charleston and Darwin turnpike route, authorized to be made by the seventh section of the act to which this is an amendment, and to pay the same out of the internal improvement fund.

SEC. 39. The Board of Public Works may extend the time prescribed to contractors for completing their contracts, whenever, in the opinion of the Board and the acting Commissioner on the line, the interest of the State would not be prejudiced thereby.



SEC. 40. The plans, profiles, drawings, specifications, and other descriptions of work, or materials, proposed to be put under contract, shall be exhibited at the time and place of letting the same, for the information of all persons wishing to propose for the same; and the said original documents, so to be exhibited, shall be certified by the engineer attending the letting, and, within sixty days thereafter, shall be filed, as of record, in the office of the Board of Public Works, retaining fair and correct copies thereof for the use of the work. Plans and profiles to be exhibited at lettings.

SEC. 41. It shall be the duty of the principal engineer in charge of the work to attend all lettings of contracts; but, in case of his non-attendance, any resident or assistant engineer, to be designated by the Commissioners, may act in his place. Duty of principal eng'r.

SEC. 42. All estimates made upon materials delivered by contractors, and upon which a per centage has been paid, shall operate as a lien in favor of the State, and said materials shall be exempt from any execution or attachment issued against the contractors delivering the same. Estimates on materials.

SEC. 43. No extra allowance shall be made to any contractor, over and above the contract price of work or materials, under any pretence whatever.

SEC. 44. The accounts and reports of the respective acting Commissioners, and also of the Board of Public Works, shall exhibit, separately and in detail, the amounts expended on each respective work; and shall show distinctly what amount has been expended on construction, what for engineering and contingent expenses; and what items constitute the contingent account. Detailed am'ts expended.

SEC. 45. All deeds, patents, releases, assessments, and other evidences of title of lands, and for the right of way, purchased or obtained by the State, shall be recorded in the recorder's office of the county in which the lands or a major part of them shall lie; and the originals shall thereafter be filed in the office of the Auditor of Public Accounts, as now required by law. Deeds, patents, and titles.

SEC. 46. All acts and parts of acts coming in conflict with this act, and contrary thereto, are hereby repealed. Acts repealed.

SEC. 47. It shall be the duty of the Fund Commissioners to report to the Attorney General any defalcations, or balances which may exist on the settlement of the accounts of any of the Commissioners of the Board of Public Works, or of any other agent of the State connected with the internal improvement system, who, on the settlement of his accounts, may have a balance of moneys belonging to the State remaining in his hands. And it shall be the duty of the Attorney General to proceed to collect the same according to law. Defalcations to be reported to Attorney General.

APPROVED, by the Council, March 1, 1839.

In force, Feb. 28, 1839. AN ACT to authorize the Board of Public Works to survey and construct the continuation of certain Railroads within the State of Indiana.

Power of Commissioner of Public Works. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Board of Commissioners of Public Works be, and they are hereby, authorized and required, so soon as they shall be officially informed that the State of Indiana have granted the right of way, or whenever the said Board is satisfied that the said right of way is secured to the State of Illinois, for the construction of the continuation of the eastern ends of the Northern Cross railroad, and of the Central Branch railroad, through the territory of the said State of Indiana, to the intersection of the Wabash and Erie canal; that the said Board take early measures to cause the lines of the said railroad to be surveyed and located to the intersection of the said canal.

Lines of road to be surveyed. SEC. 2. That when the said lines of railroad shall be so extended, surveyed, and located, the portions of the said railroads within the territory of Indiana shall be carried on and constructed in the same manner as though the said extended lines were situated within this State. The said Central Branch railroad to terminate on the right bank of the Wabash river opposite Terre Haute; and the Northern Cross railroad, at such point on the said right bank of the Wabash river as shall or may be prescribed or permitted by the laws of Indiana, and as may be agreed and acceded to by the Board of Commissioners of Public Works of the State of Illinois, any thing contained in the ninth division of the eighteenth section of the act, entitled "An act to establish and maintain a general system of internal improvements," to the contrary notwithstanding.

Portions of road to be constructed. SEC. 3. So much of the said ninth division of the eighteenth section of the above recited act as gives a direction to the said Northern Cross railroad from Danville towards Lafayette, Indiana, is hereby repealed.

Section of act repealed. SEC. 4. Should the Legislature of Indiana at their present session authorize the construction of the said railroads, or either of them, on the part of the said State of Indiana, so much of this act as authorizes the Board of Public Works of Illinois to survey, locate, and construct the same, shall be void; and the said Board of Public Works are hereby authorized to agree with the Board of Internal Improvements of Indiana, on the proper point or points at the State line for connecting the said roads of Illinois and Indiana, or either of them, and to connect the same at such point or points: *Provided,* That the tracks of the roads in both States shall correspond in width so as to form a continuous line of transit without transshipment.

If Indiana authorize road, act to be void.

APPROVED, February 28, 1839.

AN ACT making an appropriation for the improvement of the navigation of the Embarrass river. In force, Feb. 23, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of seven thousand dollars be, and the same is hereby, appropriated out of the internal improvement fund of this State, for the improvement of the navigation of the Embarrass river, to be applied and expended under the authority and direction of the Board of Public Works. \$7000 to Embarrass river.

SEC. 2. The Board of Public Works shall cause said improvements to be made as early as practicable, by removing all the trees, drifts, snags, and other obstructions in the bed of said river between Norfolk's mill on said river and the mouth of the same, by excavating bars when necessary, cutting and clearing timber from the banks, and making cut-offs, or otherwise changing the channel of said river, when found necessary; which said improvements shall be commenced at Norfolk's mill aforesaid, and continue thence downward to the mouth of said river. Duty of Board of Public Works.

APPROVED, February 28, 1839.

AN ACT to define the term of office of the Commissioners of Public Works. In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the term of office of the Commissioners of Public Works shall expire on the day of the first meeting of the newly elected Board of Commissioners; to be holden, according to law, on or as soon as convenient before the first Monday in April in each biennial year. And it shall be the duty of the Commissioners going out of office, forthwith to hand over to their successors in office all books, papers, drawings and other documents relating to their said office; and, as soon as convenient thereafter, to hand over all the property of the State which may have come to their possession by virtue of said office, together with a true and correct inventory thereof. Term of office. Duty of Commissioner going out of office.

APPROVED, March 2, 1839.

An ACT further supplementary to the act in relation to Internal Improvements. In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the twenty-first section of the "Act to establish and maintain a general system of internal improvements," as requires the Auditor of Public Accounts to countersign the certificate of



Part of act repealed. loans be, and the same is hereby, repealed. And it shall hereafter be sufficient execution of said bonds and certificates, on the part of the State, for the Fund Commissioners, or a majority of them, to sign the same.

APPROVED, March 2, 1839.

---

In force, Mar. 2, 1839. AN ACT to provide an increase of facilities in procuring laborers on the public works.

Commissioners to adopt measures.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful for the Commissioners of the Board of Public Works, and the Board of Commissioners of the Illinois and Michigan canal, to act in conjunction, and adopt and execute measures to bring into the State laborers to be employed on the canal and works of internal improvement in the State. Said Boards shall take such measures, in acting under the provisions of this act, as will prevent any and all loss to the State in consequence thereof; and this shall not be executed, unless the two Boards shall be satisfied that the interest of the State will be promoted thereby.

APPROVED, March 2, 1839.

---

In force, Mar. 2, 1839. AN ACT to provide for settlements with the representatives of deceased contractors upon public works, and for other purposes.

Representatives of contractors to receive amount due.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all cases when contractors upon the Illinois and Michigan canal, or upon any of the public works authorized by the State, have departed, or may depart, this life, before completing the contract, and the representatives of such contractor shall relinquish their right to complete the contract; such representatives shall be paid the value of the work executed, according to the price stipulated for in the contract; but this provision shall not interfere with the remedy of the State, or any board with whom the contract may have been made, for non-compliance with the contract, except in respect to the completion of the work after the death of the contractor.

Discretionary powers of commissioners.

SEC. 2. The Board of Commissioners of the Illinois and Michigan canal are hereby invested with discretionary power to pay over to James Brooks, canal contractor, out of the canal fund, any sum of money not exceeding three thousand dollars, in full indemnification of the said Brooks for the loss of his property by the lawless and violent proceedings of a late mob on said canal.

APPROVED, March 2, 1839.

AN ACT authorizing the improvement of the Big Muddy river.

In force, Mar.  
2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be, and there is hereby, appropriated out of the internal improvement fund, the sum of twenty thousand dollars, to be applied and expended under the authority and direction of the Board of Commissioners of Public Works, for the improvement of the navigation of the Big Muddy river. The said improvements shall be made by removing snags and other timber obstructions in the bed of the stream, by excavating bars when deemed necessary, cutting and clearing timber from the banks, and making cut-offs, or otherwise changing the channel, when found necessary: which said improvements shall be commenced at the mouth of said river, and be continued upwards as high as the said appropriation can be judiciously expended. There shall also be appropriated the sum of one thousand dollars to the county of Monroe, to be paid to the county commissioners of said county, and appropriated on the road from Cahoe creek to Kaskaskia.

\$20,000 to  
improve Big  
Muddy river.

Improvement  
to commence  
at mouth.

\$1000 to  
Monroe coun-  
ty for road.

APPROVED, March 2, 1839.

AN ACT fixing the northern termination of the Central railroad.

In force, Mar.  
4, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Board of Public Works shall locate the northern termination of the Central railroad on the west side of Fever river, in the town of Galena; and the railroad shall cross the river at such point above Lampkins' old ferry landing, and below Frederick's point, as will least interrupt the free navigation of Fever river.

Northern  
termination of  
Central rail-  
road.

APPROVED, March 4, 1839.

AN ACT supplemental to an act, entitled "An act to erect certain bridges," approved January 22, 1831.

In force, Feb.  
12, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county of Knox shall be entitled to all the benefits of the act to which this is supplemental: *Provided,* The county commissioners' court of said county shall comply with the requisites of said act within two years from the passage of this act.

Proviso.

APPROVED, February 12, 1839.

In force, Feb  
12, 1839.

AN ACT laying out a State road in Alexander county.

Com'rs to  
locate road.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That David H. Moore, John Kirkwood, and William Echols, be, and they are hereby, appointed commissioners to view, mark, and locate, a road from Caledonia, in Alexander county, to the town of America, Marseilles, and Unity, to the town of Santa Fee, on the Mississippi river.*

Time and  
place of  
meeting.

SEC. 2. The said commissioners, or a majority of them, shall meet at the town of Caledonia, on the first Monday in April next, or within two months thereafter, and proceed to view, mark, and locate said road, on the nearest and most eligible ground, doing as little damage to private property as possible.

Declared pub-  
lic road.

SEC. 3. When said road shall be located and established, it shall be deemed a public highway, and may be opened, worked, and kept in repair as other State roads are.

Compensa-  
tion of com-  
missioners.

SEC. 4. The county commissioners' court of said county may make such reasonable allowance to the road commissioners named in this act, as to them may seem reasonable and just, to be paid out of the county treasury.

APPROVED, February 12, 1839.

In force, Feb  
16, 1839.

AN ACT to authorize Philip Jarboe and Harvey M. Jarboe to establish a ferry across the Illinois river.

Ferry estab-  
lished

Rates of fer-  
riage.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Philip Jarboe and Harvey M. Jarboe, of the county of Greene, are hereby authorized to establish a ferry across the Illinois river, at the town of Bridgeport, in Morgan county, and are authorized and empowered to demand and receive, from all persons, the following rates of ferriage, to wit: For each four-wheeled wagon with four horses or oxen or more, one dollar; for each four-wheeled two-horse wagon, sixty-two and a half cents; for each person and single horse, twenty-five cents; for each single or led horse, twelve and one-half cents; for each head of neat cattle, four cents; for each head of hogs, sheep, or goats, two cents; for each two-wheeled cart or gig and driver, fifty cents; for each sleigh and one horse and driver, thirty-seven and one-half cents.*

Co. com. may  
levy tax.

SEC. 2. The county commissioners of Pike and Morgan counties are hereby authorized to levy and collect a tax on said ferry, the same as they are authorized to do on other ferries; and also to regulate, reduce, or alter, the rates of ferriage as in other cases. This act to take effect from and after its passage.

APPROVED, February 16, 1839.



AN ACT to authorize the county commissioners' court of Randolph county to change and alter State roads in said county. In force, Feb. 12, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of Randolph county is hereby authorized to change the location of any State road in said county: *Provided,* That no change shall be made at the points where such roads enter other counties, without the consent of the county commissioners' courts of such counties. Power of com-missioners. Proviso.

APPROVED, February 12, 1839.

AN ACT to establish a State road from Beardstown to Manchester. In force, Feb. 12, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be established a State road leading from Beardstown, by the way of Arnez's mill and Lynnville, to Manchester, on the nearest and best ground between the points aforesaid; and John Carter, living near Lynnville, Joel Sugg of Manchester, and Francis Arnez of Cass county, are hereby appointed commissioners to locate said road. Said commissioners shall meet at Beardstown, on some day to be agreed upon by them, before the first day of August next, and being sworn before some justice of the peace, faithfully to discharge the duties imposed upon them by this act, shall proceed to locate said road upon the best ground to be obtained, having regard to distance, public convenience, and to the probable cost of the right of way; and upon agreeing upon the line of the road, shall mark the same so as to enable supervisors to follow the line and open the road upon the line located, and make reports of their proceedings to the commissioners' courts of the several counties through which the said road passes, and the same shall be entered on the records of said courts; and from the date of such entry the same shall be a State road. In locating the road, the commissioners shall follow the line and occupy the same ground at present occupied by the State or county roads, so far as the same can be done consistently with the public interest. The commissioners shall be paid two dollars per day each, by the several counties through which the road passes, in proportion to the length of time occupied in each county. Any two of the commissioners may act under the provisions of this act. Com'rs to locate road Time & place of meeting. Oath. Shall report to com'rs of each county. Compensation.

APPROVED, February 12, 1839.

In force, Feb. 12, 1839. AN ACT for the relief of the Judge of the sixth judicial circuit of the State of Illinois.

\$500 appropriated to judge of 6th circuit.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of five hundred dollars be, and the same is hereby, appropriated to Dan Stone, judge of the sixth judicial circuit of the State of Illinois; and that the Auditor of Public Accounts be, and he is hereby, required to issue his warrant for the same.

Salary increased.

SEC. 2. That from and after the first day of January, 1839, the salary of the judge of the sixth judicial circuit shall be one thousand dollars annually.

APPROVED, February 12, 1839.

In force, Feb. 12, 1839. AN ACT regulating the salaries of the Judges of the Supreme Court.

Salaries increased.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That from and after the first day of January, one thousand eight hundred and thirty-nine, the salary of the Judges of the Supreme Court of the State of Illinois shall be fifteen hundred dollars per annum, payable quarterly, out of any money in the treasury not otherwise appropriated.

APPROVED, February 12, 1839.

In force, Feb. 15, 1839. AN ACT to legalize the sale of section sixteen, in township nine north, of range two east, in the county of Knox.

Sales ratified. Titles valid.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sales heretofore made by the school commissioner of Knox county of section numbered sixteen, in township numbered nine, north of the base line, of range numbered two, east of the fourth principal meridian, in said county, and of every part and parcel thereof, be, and the same are hereby, ratified and confirmed; and the titles acquired under such sales are hereby declared valid, to all intents and purposes, both in law and equity, as fully as if all the provisions of law relating to the sales of school lands had been strictly pursued and complied with.

SEC. 2. This act shall be in force from and after its passage.

APPROVED, February 15, 1839.

AN ACT to vacate the survey and plat of the sub-division of block forty-one, in the town of Monmouth. In force, Feb. 12, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sarvey and plat of the sub-division of block number forty-one, in the town of Monmouth, and county of Warren, heretofore made by George H. Wright, and recorded in the recorder's office of said county of Warren, be, and the same is hereby, vacated; and said block forty-one is hereby restored to the condition in which it was placed by the recorded plat of said town of Monmouth. Plat vacated.  
APPROVED, February 12, 1839.

AN ACT regulating the time of holding the circuit courts in the second Judicial Circuit. In force, Feb. 15, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the time of holding the circuit courts, in the second judicial circuit in this State, shall be as follows, viz: In the county of Madison, on the first Monday of February, and on the first Tuesday after the first Monday in August; in the county of St. Clair, on the third Monday of February and August, and a special term on the first Monday of November; in the county of Monroe, on the fourth Monday of February and August; in the county of Randolph, on the first Monday of March and September; in the county of Washington, on the second Monday of March and September; in the county of Clinton, on the third Monday of March and September; in the county of Bond, on the fourth Monday of March and September; in the county of Montgomery, on the first Monday of April and October; in the county of Shelby, on the second Monday of April and October; in the county of Effingham, on the third Monday of April and October; and in the county of Fayette, on the Thursdays thereafter: *Provided, however,* That this act shall not take effect in the counties of Madison, St. Clair, Monroe, and Randolph, until after the spring terms for the present year shall be over. Terms of 2d circuit.  
Madison.  
St. Clair.  
Special term.  
Monroe.  
Randolph.  
Washington.  
Clinton.  
Bond.  
Montgomery.  
Shelby.  
Effingham.  
Fayette.  
Proviso.

SEC. 2. All process, suits, and recognizances, which have been or may be issued or entered into, and made returnable to the courts as at present arranged, shall be taken and considered to be returnable to the times fixed by this act, and shall be valid to all intents and purposes. This act to be in force from and after its passage. Process.

APPROVED, February 15, 1839.



In force, Feb.  
15, 1839.

AN ACT in relation to the town of Springfield.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That so much of the act, entitled "An act to extend the corporate powers of the president and trustees of the town of Springfield," approved July 20, 1837, as authorizes the extension of the boundaries of* said town, be, and the same is hereby, repealed.

Act repealed.  
Boundaries of  
town.

SEC. 2. All of the territory included in any addition to the town of Springfield, in addition to the boundaries fixed by the president and trustees of said town, previous to the passage of the act of 20th of July, 1837, shall, from and after the passage of this act, be and remain the boundaries of said town of Springfield.

APPROVED, February 15, 1839.

In force, Feb.  
15, 1839.

AN ACT to establish the counties of Menard, Logan, and Dane.

Boundaries of  
Menard co.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all that tract of country lying within the following boundaries, to wit: Beginning at the northwest corner of section twenty-seven, in township seventeen north, of range eight, west of the third principal meridian; thence, east, to the centre of the southern boundary of section twenty-four, in township seventeen north, of range seven west; thence, north, to the middle of the northern boundary of said section; thence, east, to the middle of the northern boundary of section nineteen, in township seventeen north, of range six west; thence, north, to the centre of section eighteen, township and range last aforesaid; thence, east, to the middle of the eastern boundary line of said section; thence, north, to the channel of Rock creek; thence, down the channel of Rock creek, to where the northern boundary line of section nine, township and range last aforesaid, crosses the same; thence, east, to the southwest corner of section two, township and range last aforesaid; thence, north, to the southeast corner of section twenty-seven, in township eighteen north, range aforesaid; thence, east, to the southeast corner of section thirty, in township eighteen north, range four west; thence, north, to the southeast corner of section eighteen, in township nineteen north, range last aforesaid; thence, west, to the line between ranges four and five; thence, north, to the northern boundary line of Sangamon county; thence, west, with said line, to the Illinois river; thence, with the present boundary line of Sangamon county, to the place of beginning, shall form and constitute the county of Menard.*

Boundaries of  
Logan county

SEC. 2. That all that tract of country lying within the following boundaries, to wit: Beginning at the northwest corner of township twenty north, of range four west; thence,

south, to the southwest corner of section eighteen, in township nineteen north, of range aforesaid; thence, east, one mile; thence, south, to the southeast corner of the county of Menard; thence, east, to the line dividing ranges three and four; thence, south, to the southwest corner of section seven; township seventeen north, of range three west; thence, east, to the northeast corner of section fifteen, township last aforesaid; thence, south, one mile; thence, east, to the eastern boundary line of Sangamon county; thence, with the present boundary lines of Sangamon county, to the place of beginning, shall constitute the county of Logan.

SEC. 3. That all that tract of country lying within the following boundaries, to wit: Beginning where the third principal meridian crosses the north fork of the Sangamon river; thence, down said river, to the line between sections nine and ten, in township fifteen north, of range three west; thence, south, to the southeast corner of section four, in township fourteen north, range last aforesaid; thence, west, three miles by the surveys; thence, south, three miles by the surveys; thence, west, three miles by the surveys; thence, south, to the southern boundary of township eleven, range last aforesaid; thence, east, with the surveys, to the third principal meridian; thence, north, to the place of beginning, shall constitute the county of Dane.

Boundaries of  
Dane county.

SEC. 4. That Benjamin Mitchell of Tazewell county, John Henry of Morgan county, and Newton Walker of Fulton county, be, and they are hereby, appointed commissioners to locate the seats of justice of the counties of Menard and Dane.

Com'rs to lo-  
cate county  
seats of Me-  
nard & Dane.

Said commissioners, or a majority of them, shall meet at Petersburg, in Menard county, on the first Monday of May next, or within twenty days thereafter, and, after being first

Time & place  
of meeting.

duly sworn by some one authorized to administer oaths, faithfully and impartially to discharge the duties imposed on them by this act, shall proceed to explore said county, and to locate the seat of justice thereof, with a view to present and future population; which location, when made, shall be and remain the seat of justice of the county of Menard: *Provided*, That

Com'rs to be  
sworn.

if the said commissioners shall locate the seat of justice of Menard county on the west or left side of the Sangamon river, then, and in that case, the lines of said county shall be changed as follows, to wit: Beginning at the southwest corner of section three, in township seventeen north, of range six west; thence, north, four miles by the surveys; thence, east, with the surveys, to the eastern boundary line of said county as described in this act; thence with the before described boundaries throughout: *Provided, further*, That said commissioners, in making the location of the seat of justice of said county, shall pay no regard whatever to the above contemplated change of lines.

Proviso.

If co. seat of  
Menard is lo-  
cated on west  
side of Sanga-  
mon river,  
boundaries to  
be changed.

SEC. 5. Said commissioners, or a majority of them, shall meet at such place, within the county of Dane, as may be agreed on by them, and at such time as they may agree upon,

Time & place  
of meeting to  
locate co. seat  
of Dane.

not exceeding twenty days after they shall have located the seat of justice of Menard county; and shall then and there proceed to make the location of the seat of justice of the said county of Dane, in all respects conformably with the fourth section of this act.

Certificate of location to be made.

Certificate to be filed with clerk of Sangamon co.

Co. seats not to be located on private property.

Com'rs to locate co. seat of Logan.

Time & place of meeting.

Co. seat of Logan, duration.

Pay of com'rs.

Election for co. officers.

Term of office.

Places of elections.

Judges of elections.

SEC. 6. Said commissioners shall make out a certificate of the location of the seats of justice of each of the said counties of Menard and Dane, stating what tract of land, and what part of the tract each location is made upon; which certificate shall be signed by the said commissioners, and filed in the office of the clerk of the county commissioners' court of Sangamon county, and shall be evidence of the said locations respectively.

SEC. 7. Neither of said locations shall be made on private property, unless the owner thereof shall either convey to the county twenty acres of land, having the location at or near the centre thereof, or donate in money, to be applied to the erection of public buildings, the sum of three thousand dollars.

SEC. 8. That Charles Emmerson of Macon county, Cheney Thomas of M'Lean county, and Charles R. Matheny of Sangamon county, be, and they are hereby, appointed commissioners to locate the seat of justice of Logan county; and who, or a majority of whom, shall in all respects perform their duties in the manner that the commissioners for the location of the county seats of the counties of Menard and Dane are by this act required to do; and shall meet at the town of Portville, in said county of Logan, on the first Monday of May next, or within twenty days thereafter, for the purpose of forming the same; and such location, when so made, shall be and remain the seat of justice of the said county of Logan until the end of the session of the General Assembly in the year 1841.

SEC. 9. Each of said commissioners named in this act shall receive out of the county treasuries, respectively, for which he may have served, such *per diem* allowance as shall be paid the members of the present General Assembly.

SEC. 10. An election shall be held on the first Monday of April next, in each of the counties established by this act, to elect for each of said counties one sheriff, one coroner, one recorder, one county surveyor, three county commissioners, one clerk of the county commissioners' court, and one probate justice of the peace, who shall hold their offices until the next succeeding general election, and until their successors are elected and qualified; which election shall be conducted in all respects agreeably to the law regulating elections. Said elections shall be held, in the county of Menard, at Petersburg, Sugar Grove, Huron, and Lynchburg; in the county of Logan, at Portville and Pulaski; in the county of Dane, at Buck Hart Grove, Allenton, and the house of John Durbin; and shall be held by the judges heretofore appointed by



the authority of Sangamon county for the precincts respectively: *Provided*, That where any place named in this act for holding said election has not heretofore been an election precinct, the electors meeting there may choose their own judges and clerks, who shall be qualified according to law previous to entering upon the discharge of their duties.

SEC. 11. The judges of election shall deliver to each officer elected a certificate of his election. The poll-books shall be retained by them until the clerks of the county commissioners' courts shall respectively be qualified, and then deliver such poll-books of each county to its own clerk; who shall make, and transmit to the Secretary of State, an abstract of the votes given at such election, in the same time, manner, and form, as is required of clerks of county commissioners' courts in elections in other counties of this State.

SEC. 12. The said counties hereby established shall be attached to, and form part of, the first judicial circuit.

SEC. 13. The county of Menard shall be entitled to one Representative in the General Assembly, and the counties of Logan and Dane together, one; the county of Sangamon, five; and the four together, two Senators; and in case any vacancy shall occur previous to the next election, the four counties shall vote together to fill said vacancy, in the same manner as if no division had taken place.

SEC. 14. All business now pending in the Sangamon circuit court, or which shall be commenced therein previous to the organization of the counties hereby established, shall be determined therein as if no new counties had been established; and the sheriff of Sangamon county is hereby authorized to perform all duties within the boundaries of the said new counties, which may be necessary for the finishing of the aforesaid business, and for the collection of the taxes already assessed. All business now pending in the courts of the justices of the peace, or of the probate justices of the peace, of Sangamon county, or which shall be commenced therein previous to the organization of the new counties hereby established, shall be finished by said justices and their constables, as though no division had taken place.

SEC. 15. The judges of the several election precincts within the aforesaid counties shall meet at the several places hereinafter named, on the second day after said election, to compare their respective polls; in the county of Menard, at the town of Petersburg; in the county of Logan, at the town of Pulaski; and in the county of Dane, at the town of Alenton.

SEC. 16. The justices of the peace and constables now in office for Sangamon county, who reside in the boundaries of the new counties hereby established, shall continue in office in their respective new counties, so long as they would have done if no division had taken place.

APPROVED, February 15, 1839.

Proviso.

Certificate of election.  
Poll-books retained.

Abstract to Sec. State.

Above counties attached to 1st jud. cir.  
Menard, one Rep.  
Logan and Dane, one.  
Sangamon, five.  
The four, two Senators.

Business in cir. court of Sangamon.

Business before probate justice peace in Sangamon co.

Comparison of poll-books.

What justices to continue in office.

In force, Feb. AN ACT to authorize James T. Gifford and Samuel J. Kimball to build a dam across Fox river.  
15, 1839.

Mill-dam  
across Fox  
river.  
Proviso.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That James T. Gifford and Samuel J. Kimball, their heirs and assigns, be, and they are hereby, authorized to construct and build a mill-dam across Fox River, at the town of Elgin, in the county of Kane, between the lands held by them, to the height of six feet above low-water mark: Provided, Said grant shall not be construed so as to prevent the State from improving said Fox river at that place, by dams, locks, or in any other way, at any time hereafter, for the purpose of slack-water navigation, or otherwise. This act shall take effect from and after its passage.*

APPROVED, February 15, 1839.

In force, Feb. AN ACT to authorize Reuben and Sullivan L. Haines to raise a mill-dam across the Mackinaw river.  
15, 1839.

Mill-dam.

Proviso.

Further proviso.

Proviso.  
Damages.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Reuben Haines and Sullivan L. Haines be, and they are hereby, authorized to raise and continue their mill-dam across the Mackinaw river, on section seven, in township number twenty-four north, of range two, west of the third principal meridian line, in the county of Tazewell, to the height of four feet: Provided, That the raising of said dam to the height of four feet from the low-water mark shall not interfere with or injure any mill-dam now in operation or erected on said river: Provided, further, That the said Reuben and Sullivan L. Haines shall improve and keep a road open, from the town plat of Mackinaw across the said Mackinaw river, immediately below the said mill-dam, and that they improve the river banks and build a good and sufficient bridge across their race, so as to admit of free and easy crossing of said race and river at all times: And provided, also, That the said Reuben and Sullivan L. Haines shall pay to each and every person all damages that he, she, or they, may sustain in consequence of the raising of the said dam.*

SEC. 2. That Thomas F. Railsback, James Brawhill, and Samuel Flesher, be, and they are hereby, appointed commissioners to view, and appraise, the damages, if any are sustained by any person or persons, by reason of the overflowing or backing up of water by raising the said dam. This act to take effect from and after its passage.

APPROVED, February 15, 1839.

AN ACT to amend an act, entitled "An act regulating elections," in force June 1, 1829. In force, Feb. 15, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That on the first Monday of August, in the year one thousand eight hundred and forty-one, and on the first Monday of August every second year thereafter, an election shall be held for so many Representatives to Congress as this State shall be entitled to at that time.

Election for Rep. to Congress.

SEC. 2. The twenty-sixth section of an act, entitled "An act regulating elections," in force June 1, 1829, be, and the same is hereby, repealed.

Section of act repealed.

SEC. 3. Elections to fill vacancies in either branch of the General Assembly, occurring during the sessions of the Legislature, may be held on such notice, not less than five nor more than twenty days, as the Governor may direct in the writ of election issued to fill such vacancy.

Elections to fill vacancies of Gen. Assembly.

APPROVED, February 15, 1839.

AN ACT to prohibit betting on elections.

In force, Feb. 15, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That if any person shall at any time hereafter bet, or wager, any money, property, or other valuable thing, upon the result of any election which may be held under the constitution or laws of this State, or shall bet, or wager, money, property, or other valuable thing, upon the number of votes which may be given to any one or more persons, at any election held as aforesaid, or upon who will receive the greatest number of votes at any such election, or if any person shall agree to pay, to any other person, any money, property, or other valuable thing, in the event that any election as aforesaid shall result in one way, or in the event that any one or more persons shall or shall not be elected, or shall receive a greater number of votes than others, such person shall be liable to indictment, and, upon conviction thereof, shall be fined in any sum not exceeding one thousand dollars.

Persons betting liable to indictment. Fine.

SEC. 2. It shall not be necessary to the commission of the offence specified in the foregoing section, that the money, property, or valuable thing, bet or wagered, shall be exhibited or staked at the time of making such bet or wager, or at any other time.

Proof of offence.

APPROVED, February 15, 1839.



In force, Feb. 16, 1839. AN ACT to authorize the county commissioners' courts of the counties of Cook, Washington and Clinton, to effect loans.

Com'rs of Cook may effect loan of \$10,000. Interest.

Money, how applied.

Washington and Clinton counties have same power.

If loans not made, com'rs may levy a special tax.

Money, how appropriated.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners of Cook county be, and they are hereby, authorized to borrow, upon the faith and pledge of said county, a sum not exceeding ten thousand dollars, at a rate of interest not exceeding eight per cent., for a term not exceeding twenty years, and to issue bond or scrip therefor, under the seal of the county commissioners' court of said county, and countersigned by the clerk of the county commissioners' court; any sum borrowed under the authority of this act, to be applied by the county commissioners' for the use and benefit of said county; for the repayment of any sums so borrowed, with the interest upon the same, the said county commissioners are hereby authorized to pledge the revenues accruing to the said county.

SEC. 2. The county commissioners' courts of Washington and Clinton counties are hereby vested with the same power and authority conferred by this act upon the county commissioners' court of Cook county; and are hereby required to expend such money as they may by borrow, in erecting court houses and jails in the several counties.

SEC. 3. Should the said counties of Washington and Clinton not be able, within six months after the passage of this act, to negotiate a sufficient loan, then, and in that case, it shall be lawful for the county commissioners' courts of said counties to levy a tax, not exceeding three per centum per annum, upon the value of the taxable property owned therein, over and above the tax for ordinary revenue purposes, for the purpose of erecting and completing said buildings.

APPROVED, February 16, 1839.

In force, Feb. 28, 1839.

AN ACT to establish the county of Williamson.

Voters of Franklin to vote for or against division.

Boundaries of new county.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful for the legal voters of the county of Franklin to meet at the respective places of holding elections in said county, on the first Monday in August next, and vote for or against the division of said county; and if it shall appear, by the returns of the election aforesaid, that a majority of all the votes given of said election shall be in favor of a division, the said county of Franklin shall be divided, and the following shall be the boundaries of a new county, to wit: Beginning at the north-east corner of township eight south, range four east of the third principal meridian; thence west, with the said township line dividing township seven and eight south, to the third principal meridian; thence south, with the third principal meridian,

to the township line dividing ten and eleven south; thence, east, with the said township line dividing ranges four and five east; thence north, with the said range line, to the beginning: and which new county, so formed, shall be called Williamson.

SEC. 2. The legal voters of the county of Franklin and Williamson shall meet at their respective places of holding elections, on the first Monday in September next, and proceed to elect county officers for each of said counties; which officers, when so elected, shall hold their respective offices until the next general election for such officers, and until their successors are elected and qualified: *Provided, however, That* this section shall not be so construed as to prevent any county commissioners, residing within the limits of the said new county, from serving out the time for which he was elected, as a commissioner of the said county of Williamson.

SEC. 3. The returns for the election of county officers for the county of Williamson shall be made, within seven days after the election, to William Norris, Starling Hill, and John T. Davis, three acting justices of the peace within said county; who shall meet at the town of Bainbridge, within ten days from the day of the election, and proceed to open the returns, shall transmit abstracts of said election to the Secretary of State, and shall do and perform such duties as are now required by law of clerks of county commissioners' courts and justices of the peace in like cases.

SEC. 4. The county commissioners elected under the provisions of this [act] for the county of Williamson, shall meet as a court on the first Monday in October next, at the county seat; and shall proceed to lay off the county into justice's districts, road districts, appoint supervisors, and do and perform such other duties as may be required of them by law.

SEC. 5. It shall be the duty of the school commissioner of the county of Franklin, within thirty days after the organization of the said new county, to pay over to the school commissioner of the said county of Williamson, one-half of the entire amount of the school fund received from the State: *Provided, however, That* if the school commissioner of the county of Franklin shall have loaned out all or part of the said fund so received, it shall be his duty, and he is hereby required to transfer, in notes or obligations, one-half of the whole amount which is due and payable to the said commissioner, together with one-half of the amount of money on hand: *And provided, further, That* nothing contained in this section shall be so construed as to prevent the school commissioner of Williamson county from receiving one-half of the distributive share of the school fund received by the school commissioner, whether the same shall be in promissory notes or money.

SEC. 6. The school commissioner of the county of Franklin shall deliver, within thirty days after the organization of said county of Williamson, all the money, books, promissory

Name.

Place of meeting.

Proviso.

Election returns.

Justices to meet and open returns.  
Abstract to Secretary of State.

Meeting of county commissioners.

Districts.

Duty of school commissioner.  
To pay over.

Proviso.

Further duty of school commissioner.



notes, bonds, mortgages and papers, of every description, belonging to the respective townships within said new county; and for a failure to perform any of the duties required of him by this act, the said school commissioner of Franklin county, and his securities, shall be liable to all damages that the county of Williamson or the inhabitants of any township in said county may sustain by the refusal or neglect of said commissioner.

Duty of clerk  
of Franklin.

SEC. 7. The clerk of the county commissioners' court of the county of Franklin shall, as soon as may be convenient after the organization of the said county of Williamson, deliver to the clerk of the county commissioners of the said new county, a list of the taxable property within the limits of said county, and which taxes shall be collected and applied to county purposes within the said county of Williamson.

Location of  
co. seat of  
Franklin co.

SEC. 8. That for the purpose of locating the seat of justice of the county of Franklin, John Reed of Perry county, Noah Johnson of Jefferson county, and Milton Carpenter of

Commission-  
ers appointed.

Hamilton county, are hereby appointed commissioners, who, or a majority of whom, shall meet at the town of Frankfort, and, after being duly sworn, shall proceed to locate said seat of justice. Calvin Bridges of Union county, Thornsby C. Anderson of Gallatin county, and Jefferson Allen of Jackson

Commission-  
ers to locate  
co. seat of  
Williamson.  
Place of  
meeting.

county, are hereby appointed commissioners to permanently locate the seat of justice for the county of Williamson. Said commissioners shall meet at the town of Bainbridge, and, after being duly sworn, shall proceed to locate the seat of justice for said county. The commissioners appointed by this act shall locate the seat of justice at the centre of each county, or at some point the most eligible and nearest thereto, taking into view the convenience of the place, together with the advantage to be derived to the county from such location.

Donation for  
county seat.

SEC. 9. If the county seat of each county, respectively, shall be located on the lands owned by individuals, the commissioners shall require a donation of at least twenty acres of land to be made to each county, and on which the public buildings shall be erected; but if the location shall be made at a town or village, the commissioners shall require at least ten acres of land adjoining the town plat, and a number of town lots, or a donation in money, or both, of sufficient value to amount to twenty acres of land, the town lots to be appraised by the commissioners; and, after the location of the county seats above named shall be made, the county commissioners shall, as soon as convenient, proceed to the erection of public buildings.

County com-  
missioners'  
and circuit  
courts.

SEC. 10. The county commissioners' court, and the circuit court within the counties of Franklin and Williamson, shall be held at such places within each county as the county commissioners shall designate, until public buildings shall be erected. The commissioners appointed to locate the seats of justice, respectively, shall meet on the third Monday in August



next, or as soon thereafter as may be convenient, and shall each receive the sum of three [dollars] per day for each day necessarily employed by them in the location of the same; which compensation shall be made out of the county treasury of each county, respectively.

SEC. 11. It shall be the duty of the clerks of the county commissioners' court of the county of Franklin, at the time of giving notice to the judges of election, previous to the election to be held on the first Monday in August next, to insert in such notice, that a vote will be taken for and against the division of said county, and directing them to open columns in their poll-books to receive said votes; and the legal voters of said county shall vote for or against the division of the county. Duty of clerks.

APPROVED, February 28, 1839.

AN ACT making appropriations for the years 1839 and 1840.

In force, Mar.  
2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of eight thousand dollars be, and the same is hereby, appropriated, as a contingent fund, to meet the contingent expenses for the years 1839 and 1840. Said fund shall be subject to the order of the Governor, for the purpose of defraying all such expenses as are unforeseen by the General Assembly, or otherwise unprovided for by law; and a proper statement of which shall be laid before the next General Assembly of this State, by the Auditor, in his biennial report. \$8000 for contingent fund.

SEC. 2. The sum of two thousand dollars is hereby appropriated to defray the incidental expenses of the penitentiary, for the years 1839 and 1840. Said fund shall be subject to the order and direction of the inspectors of the penitentiary, and a detailed statement of all such expenses shall be laid before the next General Assembly of this State, showing, particularly, the manner in which the same may have been expended. \$2000 to penitentiary.

SEC. 3. The following sums are hereby appropriated, in full, for the salaries of the several officers hereinafter mentioned, for the years 1839 and 1840: Salaries.

1. To the Governor, two thousand dollars. Governor.
2. To the Auditor of Public Accounts, including clerk hire, four thousand eight hundred dollars. Auditor.
3. To the State Treasurer, including clerk hire, three thousand two hundred dollars. Treasurer.
4. To the Secretary of State, for the years 1839 and 1840, the sum of three thousand dollars, including clerk hire; for copying laws, making index to journal of the Senate, and House of Representatives, and laws, making marginal notes, and index to laws, the sum of eight hundred dollars. Sec. State.
5. To the Judges of the Supreme Court, each three thousand dollars. Judges Supreme Court.

- Judges Cir. Ct. 6. To the Judges of the Circuit Court, each two thousand dollars.
- Att'y Gen'l. 7. To the Attorney General, eight hundred dollars, and  
State's Att'y. State's Attorneys, each seven hundred dollars.
- Isp'r Pen'ry. 8. To the inspectors of the penitentiary, three dollars per  
Proviso. day: *Provided*, That no one of the inspectors shall receive more than one hundred and fifty dollars per annum.
- Sec'y Council of Revision. 9. To the Secretary of the Council of Revision, five dollars per day.
- Speaker H. R. SEC. 4. There shall be allowed to the Speaker of the  
Speaker Sen. House of Representatives, and the Speaker of the Senate, each, the sum of seven dollars per day, and six dollars for every twenty miles necessary travel, in coming to and returning from the seat of Government of this State.
- Mileage.
- Sen'rs & Reps. 2. To each member of the Senate and House of Representatives, the sum of four dollars per day for every day's attendance at the present session of the General Assembly, and four dollars for every twenty miles necessary to travel in coming to, and returning from, the seat of Government.
- Mileage.
- Sec'y Senate. 3 To the Secretary of the Senate, and principal clerk of  
Prin'l clk H. the House of Representatives, six dollars per day.
- Rep's. 4. To E. Z. Ryan, the sum of six dollars per day, for each day's service as assistant clerk to the House of Representatives.
- E. Z. Ryan.
- And. Johnson. 5. To Andrew Johnson, the sum of six dollars per day for his services as assistant clerk to the House of Representatives, for each day he may have served as such.
- E. & E. clerks of each House. 6. To the engrossing and enrolling clerk of each House, five dollars per day.
- Door-keepers. 7. To the door-keeper of each House, four dollars per day.
- Ass't door-keepers. 8. To the assistant door-keeper of each House, four dollars per day.
- Sec'y Senate and prin. clk H. of Rep's. 9. To the Secretary of the Senate, and principal clerk of the House of Representatives, the sum of four hundred dollars each, for furnishing a copy of the journals of the proceedings of the two branches of the Legislature for publication.
- Each member com. on Pen. 10. To each member of the committee appointed to examine into the condition of the penitentiary at Alton, the sum of four dollars for every twenty miles' travel in going to, and returning from, Alton; said compensation, when due the members and officers of the Senate, shall be certified by the Secretary thereof, except his own, which shall be certified by the Speaker; and said compensation, when due the members and officers of the House of Representatives, shall be certified by the principal clerk of the House, except his own, which shall be certified by the Speaker; which certificate, so made out, shall be a sufficient voucher to the Auditor to draw his warrant on the Treasurer for the amount to which each person shall be entitled as aforesaid, to be paid out of any money in the treasury not otherwise appropriated.



SEC. 5. The Auditor of Public Accounts shall issue his Auditor to is-  
warrant on the Treasurer, in favor of the different persons sue warrants  
hereinafter named, for the several sums annexed to their re-  
spective names, to wit:

1. To W. C. Murphy, door-keeper of the House, thirty- W.C. Murphy  
two dollars, for eight days' services, in going to Jacksonville  
and Meredosia, to summon witnesses.

2. To the assistant engrossing and enrolling clerks, four Ass't E. & E.  
dollars per day, the number of days to be certified by the en- clerks,  
grossing and and enrolling clerk.

3. The door-keeper of the Council of Revision, three dol- Doorkeeper of  
lars and fifty cents per day; the number of days employed Council of Re-  
to be certified by the clerk of said Council. vision,

4. There shall be allowed the Governor, for office-rent, and Governor,  
necessary traveling expenses, the sum of one thousand dol-  
lars, one-half of which shall be paid on the passage of this  
act, and the other half on the first of March, 1840.

5. To Robert Hening, for services eighteen days, in carry- R. Hening,  
ing messages, and other papers, to the clerk's table, three  
dollars per day.

To F. and H. C. Remann, the sum of one hundred and fifty- F. & H. C. Re-  
nine dollars and eighty-four cents, for articles furnished for mann,  
the State.

To John W. Johnson, the sum of two hundred and twenty- J.W. Johns on  
nine dollars and twenty-five cents, for articles furnished the  
State.

To Thomas B. Hickman, the sum of three hundred and T.B.Hickman  
sixty-five dollars forty-five cents, for work done for the State.

To Thomas B. Hickman, the sum of eight dollars, for a T.B.Hickman  
table for the use of the State.

To M. Flack, the sum of three dollars, for articles furnish- M. Flack,  
ed the State.

To John S. Roberts, the sum of three dollars per day, for J. S. Roberts,  
attendance on the court room.

To Moses Phillips, the sum of thirty-five dollars, for articles M. Phillips,  
furnished the State.

To N. M. McCurdy, the sum of fifty-seven dollars, for ar- N. M. McCur-  
ticles furnished for the use of the State. dy,

To Thomas B. Hickman, the sum of fifteen dollars, for T.B.Hickman  
work done and articles furnished for the use of the State.

To Ebenezer Capps, the sum of eighty-four dollars and E. Capps,  
fifty-seven cents, for articles furnished the State.

To Willis and Maddox, the sum of nine dollars, for articles Willis & Mad-  
furnished the State. dox,

To Redmond and Tindall, the sum of six dollars and twen- Redmond &  
ty-five cents, for articles furnished the State. Tindall,

To A. E. Ames, the sum of one hundred dollars, for services A. E. Ames,  
rendered in the Secretary of State's office, at the present session.

That the Treasurer of the Board of Commissioners of the Treasurer of  
Illinois and Michigan canal shall be entitled to receive the Ill. and Mich.  
same compensation for services rendered by him in the dis- canal,



charge of his trust as is now allowed the President and acting Commissioners of said Board, subject, however, to the same restrictions, in relation to him, as exist in relation to the President and acting Commissioners; the same to be paid out of the canal fund.

D. Crotzer, To Daniel Conobzree, five dollars, for repairing stove-pipes three several times.

Graves, To William Graves, two dollars, for once doing the same.

Sh'ff of Sup. That the sheriff who has attended upon the Supreme Court Court, during its present session, and who will officiate at its future session, until otherwise directed by law, shall be allowed the sum of four dollars per day for his services; the number of days to be certified to by any one of the Judges of the Supreme Court.

A. Ferguson, To Alexander Ferguson, for use of room five weeks, at twelve dollars per week, sixty dollars.

A. Johnson, To Andrew Johnson, for one table purchased for committee, six dollars.

Jas. McDougald, To James McDougald, clerk of the Internal Improvement committee of the House of Representatives, three dollars per day for the number of days actually employed, to be certified by the committee.

No. of days  
D.B.Campbell To D. B. Campbell, clerk of the Internal Improvement committee of the House of Representatives, three dollars per day, for every day actually employed, the number of days to be certified by the said committee.

J. Craig, To James Craig, chairman of the committee to examine the penitentiary, twenty-six dollars for room-rent and fuel, whilst at Alton.

J. C. Bruner, To J. C. Bruner, the sum of six dollars, for three days' attendance as a witness before the select committee appointed to investigate the claims of the late warden of the penitentiary.

W. Atkins, That the sum of seventy-five dollars be allowed and paid to William Atkins, being amount of reward offered by J. C. Bruner, warden of the penitentiary, for the apprehension and return to the penitentiary of How, who escaped from said penitentiary in eighteen hundred and thirty-six, and was returned on the thirteenth of June, eighteen hundred and thirty-eight, by said Atkins.

C. B. Blockburger, To C. B. Blockburger, thirty-six dollars and seventy-five cents, for articles furnished for the use of the State.

I. Allen, To Isaac Allen, twenty dollars for work done on the State House in preparing it for the reception of the Legislature in eighteen hundred and thirty-six.

Cl'k investigating com. There shall be allowed to the clerk of the joint select committee of Investigation, the sum of four dollars for each day's services, the time to be certified by the chairman of the committee.

Witnesses of invest. com. That there shall be allowed to each of the witnesses summoned by the committee of Investigation into the conduct of

the Board of Public Works, the sum of two dollars for each day they were compelled to attend, and two dollars for every twenty miles travel to and from the seat of Government; and the Auditor shall issue warrants in favor of each individual, the number of days and miles being sworn to, before any qualified person, by the individual presenting such claim, or proven by the testimony of any credible witness: *Provided*, That witnesses summoned whilst at the seat of Government shall not be allowed mileage: *Provided, further*, That no officer of the Government, engineer, or agent, shall be allowed any compensation for attending before said committee.

Auditor to is  
sue war'nt for.

Proviso.

SEC. 6. To each assistant secretary of the Senate, the sum of six dollars per day for their services, the number of days to be certified by the Secretary of the Senate.

Ass't sec. Sen.

To J. M. Morse, three dollars, for twelve bushels of lime.

J. M. Morse.

To J. T. Eccles, thirty-seven dollars and fifty cents, for the use of a room for the Council of Revision for three months.

J. T. Eccles.

To Edward Jones, forty-five dollars, for fifteen days' services in making up the journal of the House of Representatives, in eighteen hundred and thirty-seven.

Ed. Jones.

To E. Capps, for articles furnished the State, thirty-seven dollars and forty-four cents.

E. Capps.

SEC. 7. To the Speaker *pro tem.* six dollars per day, while serving in that capacity.

Speaker pro  
tem.

To William Hodge, twenty-six dollars twenty-five cents, for printing for the Senate.

Wm. Hodge.

APPROVED, March 2, 1839.

AN ACT to authorize Ezra Baker, jr. and Henry I. Mills to erect a mill-dam across the Little Wabash river.

In force, Feb.  
12, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Ezra Baker, jr. of Wabash county, and Henry I. Mills of Edwards county, be, and they are hereby, authorized to build a certain mill-dam across the Little Wabash river, on the west half of the northwest quarter section number seven, township number one south, of range number ten east, in Edwards county, not exceeding eight feet in height above the head of the stream: *Provided*, That the dam authorized to be erected by this act shall not interfere with or impede the improvement of the navigation of the Little Wabash, as contemplated by the "Act to establish and maintain a general system of internal improvement."

Baker & Mills  
may build  
mill-dam.

Proviso.

SEC. 2. The said dam shall be constructed with a down-stream slope, of two feet horizontal to one foot perpendicular rise, well and sufficiently planked over, for the purpose of allowing the safe passage of the descending trade of the river; and during the continuance of the said dam, said slope shall be kept in good repair.

Dam how to be  
constructed.

**SEC. 3.** The State of Illinois reserves the right of constructing a lock, sluice, or other device, for the passage of the trade of the river around or over the site of the said dam, whenever it may be deemed advisable so to do for the improvement of the navigation of the said river, free from charge, for the right of way, by the said Baker and Mills, their successors and assigns.

APPROVED, February 12, 1839.

In force, Feb.  
12, 1839.

AN ACT to amend "An act concerning the right of way."

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all cases where a jury of freeholders, or other citizens, are or may be appointed, under the authority of any town or city in this State, to inquire into and take into consideration the benefits as well as the injury which may accrue, and estimate and assess the damages which would be sustained, by reason of the opening, extending, or widening of any street, lane, alley, or road, the owner or owners of any real estate proposed to be taken for the purpose aforesaid, or any person aggrieved by the apportionment and assessment for the purpose of making payment to the person or persons whose property shall be taken for said purposes, may appeal to the circuit court of the county within the same time, and under the same regulations and rules as are or shall be provided by law for taking appeals from the judgment of justices of the peace; and the circuit court shall proceed upon such appeal as in other cases of appeals from the judgment of justices of the peace, and render such judgment therein as shall be consistent with law and justice.

**SEC. 2.** This act to take effect from and after its passage.  
APPROVED, February 12, 1839.

In force, Feb.  
26, 1839.

AN ACT to legalize the survey of the town of Carthage.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the survey and plat thereof, made in the year 1838, of the town of Carthage, in Hancock county, and now on file, to be recorded, in the office of the recorder of said county, be, and the same is hereby, legalized, and established, as the proper survey and map thereof; and that all other surveys of said town heretofore made be, and the same are hereby, vacated.

Certificate of Sec. State. This bill having remained with the Council of Revision ten days, and the General Assembly being in session, it has become a law, this 26th February, 1839.

A. P. FIELD, *Secretary of State.*



An act to change the name of the town of Augusta, in Pike county. In force, Feb. 16, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Augusta, in Pike county, be, and the same is hereby, changed to that of Florence.

APPROVED, February 16, 1839.

AN ACT to authorize the county commissioners of Peoria and other counties to lease certain offices. In force, Feb. 16, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' courts of the counties of Peoria, Putnam, Fayette, Greene, and Vermilion, are hereby authorized to lease such vacant room or rooms, as offices, as may be in their respective court houses, and not occupied by and furnished for the several court offices as required by law, for any term not exceeding one year, and for such rent or rents as they may think right and proper.

SEC. 2. The county commissioners of the aforesaid counties shall have the care and custody of the court houses in their respective counties, any law to the contrary, notwithstanding.

APPROVED, February 16, 1839.

AN ACT to change the name of the town of Savannah, in the county of Warren. In force, Feb. 15, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the town of Savannah, in the county of Warren, be, and the same is hereby, changed to that of Cold-Brook. This act to take effect from and after its passage. Name of town changed.

APPROVED, February 15, 1839.

AN ACT to authorize the county commissioners' courts to recover certain moneys by them heretofore loaned. In force, Feb. 15, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners of the several counties in this State, who have received appropriations under the act, entitled "An act to establish and maintain a system of internal improvements," approved the 27th of February, 1837, shall have power, in their corporate capacity, to sue for and collect the moneys so received, in cases where such money has been loaned. Com'rs may sue for money.

SEC. 2. It shall be the duty of the county commissioners to appropriate all moneys, which they have or may receive under the provisions of the before recited act, to the purposes required by law, at as early a period as practicable; and for any unreasonable delay in making said appropriations, or for applying the money to any other purpose than that provided by law as aforesaid, each of the county commissioners shall be liable to be indicted for negligence in discharging their duties, and, upon conviction, shall be severally fined in any sum not less than fifty dollars, nor exceeding one thousand dollars, and shall moreover be subject to removal from office, upon the recommendation of the jury rendering the verdict: *Provided*, That where the moneys herein alluded to have been loaned, the county commissioners shall not be compelled to collect the same, only as it may be usefully disbursed by them.

APPROVED, February 15, 1839.

Proviso.

In force, Feb. 15, 1839. AN ACT to provide for the appointment of additional judges of elections in Coles and other counties.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the county commissioners' court of Coles, McDonough, and Vermilion counties, shall have the right to appoint another set of judges of elections for the precinct in which the county seat is situated.

Comm'rs of Coles, McDonough, & Vermilion to appoint new judges of elections.

SEC. 2. Said judges, so appointed, shall in all respects be governed, and their proceedings regulated, by the law regulating elections.

SEC. 3. That all that tract of country lying within the following limits, to wit: Commencing at the southwest corner of Coles county, running east, twelve miles, to the line of the land district; thence, north, ten miles; thence, west, to the line of said county; thence, south, to the place of beginning, shall hereafter constitute an election precinct, and be placed upon the same footing as other election precincts; and elections shall be holden at the town of Woodbury, in said precinct.

Election precinct in Coles county.

APPROVED, February 15, 1839.

In force, Feb. 16, 1838. AN ACT establishing ferries on school lands for the use of the inhabitants of townships.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That there shall be, and there is, hereby, granted to the inhabitants of the several townships in this State, the right of all ferry privileges, in all cases where the school land belonging to the inhabitants of such township embraces a stream or water-course on either side thereof, over which, from the establishment of any public

Ferry privileges granted.

road, it may be necessary to establish any ferry: *Provided*, That if the school land embraces only one side of such stream, so situated as aforesaid, the said inhabitants of the townships, respectively, shall only have the one-half of such ferry privileges.

SEC. 2. It shall be the duty of the school commissioner of each county, respectively, on the first Monday in June, one thousand eight hundred and thirty-nine, and every two years thereafter, to lease out, to the highest and best bidder, all such ferries as may be so situated on the sixteenth section as aforesaid, and execute a lease therefor, and take bond in such sum and with such security as he may deem proper; which lease and bond shall be recorded in the recorder's office of the county in which the ferry may be; from the date of which recording, the lessee of any such ferry privilege shall be considered as in possession, and entitled to the use of the ferry privileges since granted, with the right to take and receive such toll as the county commissioners' courts may prescribe. Duty of school com'rs.

SEC. 3. The said school commissioner shall collect, annually, the amount of any rent due and owing to the township to which such ferry or ferries may belong, and keep and pay and dispose of the same in the same manner as the interest of other township funds are kept, paid out, and disposed of. Moneys how expended.

SEC. 4. If any school land, to which there may attach any ferry privileges under the provisions of this act, shall be situated partly in one county and partly in another, then, and in such case, it shall be the duty of the school commissioner of that county in which the largest portion of such school land may be situated to lease out the same as herein before provided, and to dispose of the same as before directed. Com'r may lease.

SEC. 5. Whenever any school lands shall not be situated in the township to whose inhabitants it belongs, and such township shall lie partly in one county and partly in another, the duty of leasing or otherwise disposing of such school land shall devolve upon the school commissioner of the county containing the greater number of legal voters of such township.

SEC. 6. It shall be the duty of the school commissioner whose duty it may be, under the provisions of this act, to lease any ferry privileges, to advertise the same, at least four weeks previous to the regular day of leasing, as herein before mentioned, by advertisement, in some public newspaper, or by written advertisements, posted up in four of the most public places in their counties, respectively, of the time and place of such leasing; and the leasing of all such ferries as are herein authorized shall always take place at the county seats of the counties, respectively, in which such ferries may be situated. Duty of school com'r.

SEC. 7. The inhabitants of any township may cause a por-



School lands may be leased. tion of their school lands to be leased, and another portion of said lands to be sold, in the mode prescribed by law, if they shall deem the same expedient.

SEC. 8. Nothing in this act shall be so construed as to prohibit the people of any townships from causing the sale of any portion of their school lands which, by the law now in force, are subject to be sold.

SEC. 9. All necessary expenses incurred by the school commissioner, in advertising and leasing or selling any school lands, as well as his compensation for his services in the premises, shall be paid, out of the rents or interest of such school lands, under the direction of the county commissioners' court, if the township owning such school land is not incorporated, and under the direction of the trustees of schools of the township, if the same is incorporated.

APPROVED, February 16, 1839.

In force, Feb.  
16, 1839.

AN ACT to change a part of the State road from Vandalia to Salem.

Com'rs to re-  
view.

Time & place  
of meeting.  
To be sworn.

Road deemed  
public.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Philip Luster, Richard Day, Thomas B. Hickman, or a majority of them, shall meet at the house of Philip Luster, in Fayette county, on the first Monday of April next, and, after being duly sworn, proceed to review, mark, and resurvey, so much of said road as lies between Philip Luster's and the bridge on Richland creek; and the road so located shall be deemed a public road, and worked and kept in repair as other State roads, any law to the contrary notwithstanding.

SEC. 2. *Be it further enacted,* That the county commissioners of Fayette shall allow all reasonable expense incurred by the relocation of said road.

APPROVED, February 16, 1839.

In force, Feb.  
16, 1839.

AN ACT declaring the Mauvaise-terre a navigable stream.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Mauvaise-terre creek, from its confluence with the Illinois river up to the Ox-ville bridge, in Morgan county, is hereby declared a navigable stream and a public highway; and all laws prohibiting the obstruction of navigable streams and public highways shall be deemed applicable to the said creek, between the points aforesaid.

APPROVED, February 16, 1839.

AN ACT to locate a State road from Thornton to Lockport, Plainfield, and In force, Feb.  
Blackberry creek, approved February 27, 1837. 16, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Aaron Hopkins, Charles Gooding, and John Simpson, (all of Will county,) be, and they are hereby, appointed commissioners to review and relocate all that part of said road as leads from Thornton to Lockport. Com'rs.  
Part of road  
relocated.

SEC. 2. Said commissioners, or a majority of them, shall meet at Thornton, at a convenient time on or before the fourth day of July next, and being duly sworn before some justice of the peace of the county, faithfully and impartially to discharge the duties required of them by this act, shall proceed to review, remark, and relocate, said road on the nearest and best ground for a permanent road, having due regard to private property. Time & place  
of meeting.  
To be sworn.

SEC. 3. They shall return a plat of said road, so located, to the county commissioners' court of Will county, giving the courses and distances, to be recorded, establishing the same eighty feet wide, and which shall be opened and kept in repair as other State roads are. Plat of road.

APPROVED, February 16, 1839.

AN ACT declaring Mill and Big creeks navigable, in Clark county. In force, Feb.  
16, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Mill creek, in Clark county, from its mouth up to the mill lately erected by Lawrence Hallenbeck, be, and the same is hereby, declared a navigable stream; and that Big creek, from its confluence with the Wabash river up to the mill formerly built by Durell, is also declared a navigable stream. Said creeks, so far up as above stated, shall never be obstructed, to prevent free navigation, by the erection of mill-dams or otherwise. Part of Mill  
creek declar-  
ed navigable.  
Big creek.

SEC. 2. Whenever the commissioners' court of said county shall deem it advisable, an agent shall be appointed to open said creeks; and shall appropriate any sum, not less than one hundred dollars, on each creek, to be disbursed by said agent or agents, with such sums as may be subscribed by individuals, in opening and improving, to the best advantage, the navigation of said streams. Agent to open  
creeks.

SEC. 3. Said agent or agents may cut down and remove any timber in and bordering on said creeks, and to straighten the channel by cuts through lands, in making said improvements. Timber to be  
removed.

APPROVED, February 16, 1839.

In force, Feb. 16, 1839. AN ACT to locate a State road from Jonesboro, in Union county, to William T. Ryburns, in Franklin county.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joseph Lamar of Union county, John Munden of Jackson county, and William T. Ryburn of Franklin county, be, and they are hereby, appointed commissioners to review, mark, and locate, a State road from Jonesboro, in Union county, by way of Jonas Vancil's, in Jackson county, to William T. Ryburn's, sen., in Franklin county, over the best and nearest route, so as to intersect the Brownsville road leading to Frankfort.

**SEC. 2.** The said commissioners, or any two of them, shall meet in the town of Jonesboro on the first Monday of April next, or within ninety days thereafter, and having been duly sworn before some justice of the peace, faithfully to perform the duties required of them by this act, shall proceed to view, mark, and locate said road from point to point; and they shall make a report in writing to the next county commissioners' court thereafter; which said report shall form a part of the records of said court; and the said road, so laid out, shall be deemed a State road, and shall be opened not less than sixty feet wide, and kept in repair as other State roads are.

**SEC. 3.** The county commissioners' court of each of the aforesaid counties through which the said road passes shall pay their proportionate part of the compensation of said commissioners, out of the county treasury of each county, at the rate of two dollars per day for the number of days in which they shall be actually employed in reviewing, marking, and locating said road.

APPROVED, February 16, 1839.

In force, Feb. 16, 1839. AN ACT supplemental to the act, entitled "An act to define the extent of possession in cases of settlement on the public lands," approved February 27, 1837.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said act to which this is supplemental shall be construed to mean, and to give to the claimant, the legal possession (for the purposes mentioned in said act) of three hundred and twenty acres (if the custom of the neighborhood extends to that number) of unsurveyed lands, or one hundred and sixty acres of surveyed lands, whether the same be in one or more separate parcels, and that the claimant shall reside on or near the same; and that the claim of unsurveyed lands be so plainly marked that it can be designated from the adjacent lands.

APPROVED, February 16, 1839.



AN ACT concerning the public revenue of the county of Knox.

In force, Feb.  
16, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the several revenue laws of this State as requires the State Treasurer to pay the county commissioners of Knox county, for the use of said county, any sum or sums of money, be, and the same is hereby, repealed; and hereafter the sheriff of the county of Knox shall pay into the county treasury the amount of the tax collected by him on lands lying within the said county, at the same time, and in the same manner, as is provided by law for all the counties in this State, except the counties on the military bounty tract. This act to be in force from and after its passage.

Laws repealed.  
Duty of sh'ff.

APPROVED, February 16, 1839.

AN ACT to locate a State road from Naperville, in Cook county, to Indian creek, in McHenry county.

In force, Feb.  
16, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Richard M. Sweet, Frederick T. Minor, and Noah Stephens, of Cook county, be, and they are hereby, appointed commissioners to view, mark, and locate, a State road from Naperville, in Cook county, via Babcock's Grove, Meachum's Grove, Elk Grove, to Indian creek, in McHenry county.

Com'rs to  
locate road.

SEC. 2. The commissioners aforesaid, or a majority of them, shall meet at Naperville on the first day of May, or within three months thereafter, and, having been sworn by a justice of the peace, faithfully to discharge the duties required of them by this act, shall proceed to view, mark, and locate, said road, keeping in view the shortness of the route and eligibility of the ground, so as to make the same a permanent road.

Time & place  
of meeting.

SEC. 3. The said commissioners, as soon as they have completed said work, shall make out a map of said road, giving the courses and distances, to be lodged with the clerk of the county commissioners' court through which the said road may pass; which shall be recorded at length in the books of said court.

Map to be  
lodged with  
cl'k and re-  
corded.

SEC. 4. The county commissioners' court of said counties through which the said road may pass shall allow the said commissioners a reasonable compensation for their services, in proportion to the length of said road in the several counties through which said road may pass; and the said county commissioners shall cause said road to be opened and kept in repair in the same manner as other State roads.

Pay of com'rs.

APPROVED, February 16, 1839.

In force, Feb. 16, 1839. AN ACT to change the name of the town of Mechanicsburg, in St. Clair county.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town of Mechanicsburg, in the county of St. Clair, which has been laid off agreeably to law, and a plat thereof recorded pursuant to the statute in such cases, shall be, and is hereby, changed to that of Muscautah; by which latter name it shall be known and called in all public records; and in all legal transactions where it may be necessary to name said town, the name of Muscautah shall be used: *Provided, however,* That the change of the name of said town shall in nowise affect any contracts or conveyances heretofore made, or any other legal transactions whatever.

Name of town changed.

Proviso.

**SEC. 2.** This act shall take effect from and after its passage.

APPROVED, February 16, 1839.

In force, Feb. 16, 1839.

AN ACT to create and organize the county of Scott.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of country situate in the following boundary, to wit: Beginning in the centre of the channel of the Illinois river opposite the line between townships fifteen and sixteen north; thence, running east, on said line, to the line between ranges twelve and thirteen; thence, south, on said range line, to the northwest corner of section eighteen, in township fifteen north, range twelve west; thence, east, to the line between ranges eleven and twelve; thence, south, to the northwest corner of section eighteen; thence, east, to the northwest corner of section sixteen; thence, south, to the northwest corner of section twenty-eight; thence, east, to the northwest corner of section twenty-six; all in township fourteen north, range eleven west; thence, south, to the line dividing Morgan and Greene counties; thence, west, with said line, to the centre of the channel of the Illinois river; thence, north, with the channel of said river, to the beginning; which shall constitute a county, to be called Scott.

Boundaries of Scott co.

Election.

**SEC. 2.** There shall be an election held on the third Monday in March next, at the town of Winchester, and at the different places of voting, for justices of the peace and constables in the limits of the said county of Scott. The election shall be conducted by the present judges of election in said county, who have been appointed by the county of Morgan, according to the election laws of this State; at which election the legal voters of the county of Scott shall elect all county officers for the county, who shall be qualified and commissioned

County officers.

as similar officers are in other counties of this State. Said officers, so elected and qualified, shall hold their offices until the next ensuing regular election for such officers now provided by law; and shall have the same jurisdiction, and discharge all the duties, in the limits of the county of Scott, that are required by law of similar officers in other counties of this State.

SEC. 3. Within five days after said election, the judges Poll-books. of election at the different places of voting, shall return the poll-books of said election to the town of Winchester, directed to Ira Rowen, John Hanback, and Samuel Peak, three acting justices of the peace in the limits of said county; and the said justices shall meet in the town of Winchester within seven days after said election, and proceed to open said election returns, and to do and perform all the duties in relation to said returns that are required by law of the clerks of county commissioners' courts in relation to similar returns.

SEC. 4. As soon as the county officers shall have been County, when elected and qualified as provided for in this act, the county organized. shall be considered organized, and the clerk of the county commissioners' court shall give notice of the same to the judge Clerk circuit of the first judicial circuit, who shall appoint a clerk of the court appoint- circuit court, and shall hold courts in the said county, in the town of Winchester. Said county of Scott shall form a part Scott in 1st of the first judicial circuit till otherwise ordered by law. jud. circuit.

SEC. 5. Suits and indictments that have been commenced, Suits in Mor- or may hereafter be commenced, in the circuit court of Mor- gan co. gan county, by any of the citizens living in the limits of the county of Scott, before the organization thereof, shall not be affected by this act; but all such suits, so commenced, shall be decided in the circuit court of Morgan county.

SEC. 6. The said county of Scott shall, at the next regu- Scott, one Re- lar election for Senators and Representatives to the General presentative. Assembly, be entitled to elect one Representative to the General Assembly; and the county of Morgan four Repre- Morgan, four. sentatives; and the county of Scott shall vote with Morgan Scott & Mor- to elect one Senator, until the next apportionment of Repre- gan one Sena- sentatives provided for by the constitution of the State. tor.

SEC. 7. All justices of the peace and constables elected in the county of Morgan, who reside in the limits of the county of Scott, shall hold their offices and have jurisdiction in the said county of Scott, as though they had been originally elected in the said county.

SEC. 8. The school funds belonging to the several town- School fund. ships in said county, and all notes and mortgages pertaining to the same, shall be paid and delivered over to the school commissioner of the county of Scott, by the school commissioner of the county of Morgan, so soon as the said county shall be organized, and the commissioner of school lands appointed and qualified according to law, together with all



interest arising out of said money that has not been heretofore expended for school purposes in that part of Morgan county now included in the county of Scott.

County seat.

SEC. 9. The seat of justice of said county shall be, and permanently remain, at Winchester, upon the following condition: That the president and trustees of said town consent that the court house of said county shall be upon the public square, or on a lot adjoining said square, at the option of said president and trustees; said lot to be procured by said president and trustees, and a good title conveyed to said county, and shall erect a court house thereon for the use of said county, upon a plan and with materials to be agreed on by the county commissioners of said county, within three years from the time at which the said county commissioners shall agree upon such plan and materials and notify the president and trustees thereof: *Provided*, The cost thereof shall not exceed three thousand five hundred dollars: *And, further*, That said president and trustees will build a jail for the use of said county, upon a lot or place procured by the said president and trustees, within the limits of the land included in the town plat, or some addition to said town, and not to contain less than one-fourth of an acre of ground, upon a plan agreed upon by the county commissioners of said county, within two years from the time said county commissioners shall agree upon a plan and notify said president and trustees thereof: *Provided*, The cost thereof shall not exceed one thousand five hundred dollars: *Provided, further*, That if the court house shall cost more than the sum herein specified, the excess shall be deducted from the cost of the jail, or, if less, the difference to be added to the price of the jail if necessary, it being the object of this section to require an economical expenditure of five thousand dollars, by the president and trustees, in the erection of the court house and jail, and no more; and that sum may be used in building the court house alone, or may be divided in the erection of both the buildings, in such proportion as the county commissioners of said county shall direct; and that the aforesaid expenditure shall be made within the time agreed for the erection of said buildings.

Jail.

Proviso.

President and trustees to give bond.

SEC. 10. In order to secure the payment of the five thousand dollars mentioned in the preceding section of this act, the president and trustees of the town of Winchester are hereby required, in four months after the organization of the county of Scott, to execute a bond to said county of Scott, in the penalty of six thousand dollars, with such security as shall be approved of by the county commissioners of said county, with the condition that, if the president and trustees shall faithfully comply with all the provisions of this act, said bond to be null and void, otherwise to remain in full virtue and force in law and equity. If the president and trustees shall deem it proper, in order to raise the said five thousand dollars, to levy a tax, they are hereby authorized, for the next four years after the

passage of this act, to levy a tax of three per centum per annum, on all real estate within the limits of the corporation of the town of Winchester. And the said president and trustees shall have power to make such ordinances and by-laws as shall secure the assessment and payment of the three per cent., until the said sum of five thousand dollars is raised, and no longer: *Provided*, Said by-laws and ordinances shall not be inconsistent with the constitution and laws of this State. All bonds, notes, or subscriptions, that may hereafter be made or executed, for the purpose of building public buildings in the town of Winchester, made payable to the president and trustees of the town of Winchester, or any other person, are hereby declared valid, and may be sued on and collected by law; all such suits to be commenced in the name of the person or persons to whom payment was to have been made, for the use of the county of Scott.

SEC. 11. In case of failure on part of said trustees to comply with the foregoing sections, the county commissioners' court of said county shall locate the county seat of said county at some eligible point at or near the centre of said county; and shall make it a condition in the location, that at least twenty acres of land shall be conveyed to the county, to be laid off into town lots, streets and alleys; and the proceeds of the sales of said lots to be appropriated to the erection of public buildings for the use of said county.

SEC. 12. In order to ascertain the cost of the buildings required by the preceding sections, the county commissioners shall, so soon as they agree upon the plan of said buildings, appoint two competent mechanics to act with two to be appointed by said president and trustees, and a fifth to be chosen by the four appointed as aforesaid, to make a full and definite bill of the work and materials required in the erection of said buildings, and the cost and value thereof; and the persons so selected shall make such bill of work and materials, and the value thereof, and deliver one copy of the same to the county commissioners' court or to their clerk, and one copy to said president and trustees or their clerk; which bill, when so made by said mechanics, shall be conclusive upon the parties, and shall regulate them in the application of the five thousand dollars: *Provided, however*, That no mechanic shall be chosen under the provisions of this section who resides in the town of Winchester. The foregoing committee of mechanics shall, before entering on the duties assigned them by this section, each take an oath or affirmation, faithfully and impartially to discharge the duties assigned them by this section.

Cost of buildings.

Mechanics appointed to make bill of work, &c.

SEC. 13. In case any one of the county commissioners of Morgan county shall be included in the county of Scott, an election shall be held in the county of Morgan, to fill the vacancy thereby created, as in other cases of vacancy.

SEC. 14. Until a new apportionment can be made of interest on the school, college, and seminary funds, the school

commissioner of Morgan county shall apportion that fund among the schools in the counties of Morgan and Scott as though it was all the county of Morgan. This act to take effect from and after its passage.

APPROVED, February 16, 1839.

In force, Feb. 19, 1839. AN ACT to authorize the clerk of the Madison circuit court to procure the rebinding of certain records.

Clerk may  
have records  
rebound.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the clerk of the circuit court of the county of Madison be, and he is hereby, authorized to take and convey the record books of said court to any place he may select, for the purpose of having the same rebound in a proper and substantial manner; and when said records shall be so rebound, the said clerk shall return the same to the office of the clerk of the Madison circuit court, without diminution or injury.

APPROVED, February 19, 1839.

In force, Feb. 19, 1839. AN ACT to constitute the town of Manchester a justice and constable's district.

Justice's dis-  
trict.  
Time of elec-  
tion.

Jurisdiction  
of justice.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That from and after the passage of this act, the corporate limits of the town of Manchester shall constitute a justice and constable's district. The legal voters of the corporation of said town shall, on the first Monday in April next, and on the first Monday in April, every fourth year thereafter, elect, in said corporation, one justice of the peace and one constable, who, when elected and qualified, shall have concurrent jurisdiction with other justices of the peace and constables in the county of Morgan, and shall hold their offices for the same term, and be subject to the same laws. This act shall not be construed so as to prevent the citizens in the Manchester district from electing two justices of the peace and two constables, as now provided by law. The citizens living in the said corporation shall not vote with the district for the two justices of the peace and constables to be elected in the district; nor shall the district vote with the corporation for the justice and constable to be elected in the corporation.

APPROVED, February 19, 1839.



AN ACT supplemental to "An act to authorize Ezra Baker, jr., to erect a mill-dam near Coffee island, on the Great Wabash river." In force, Feb. 19, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Ezra Baker, jr., be, and he is hereby, allowed the further time of two years, from December next, to complete his dam at the Coffee Island ripple; and he is hereby further authorized to increase the height of his dam, so as to create a pool corresponding in height with that now contemplated, or hereafter to be created, by the improvements made, or hereafter to be made, by the State of Illinois and Indiana, at the head of Coffee island.

APPROVED, February 19, 1839.

AN ACT to authorize A. and S. S. Phelps to establish a ferry across the Mississippi river, at the town of Oquawka. In force, Feb. 19, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Alexis Phelps and Stephen S. Phelps be, and they are hereby, authorized to establish and keep a ferry, for ten years, across the Mississippi river, at the town of Oquawka, in the county of Warren, in the State of Illinois.

SEC. 2. The said Phelps shall cause said ferry to be furnished with a tight, good boat, and sufficient for the speedy and safe transportation of all passengers, their teams, horses, cattle, and effects. Said boat shall be furnished with men of suitable strength and skill to manage the same.

SEC. 3. The said Phelps shall receive such rates for crossing at said ferry as are now allowed them by the county commissioners' court of Warren county; and in the management and regulations of said ferry, the said Phelps shall be governed by the requisitions of the act, entitled "An act to provide for the establishment of ferries, toll-bridges, and turn-pike roads," approved February twelfth, eighteen hundred and twenty-seven.

APPROVED, February 19, 1839.

AN ACT to authorize the county commissioners of Peoria county to change a certain State road. In force, Feb. 19, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners of the county of Peoria be, and they are hereby, authorized to alter, change, and relocate, so much of the State road leading from Peoria to Stephenson as lies between the north line of township ten north, range seven east, and the town of Peoria, in said county of Peoria. In making the

said change or relocation, the county commissioners shall be governed, in all respects, by the law now in force providing for the relocation of county roads.

Plats.

SEC. 2. Whenever the aforesaid alteration shall be made, and the plats returned to the county commissioners' court as required by law, the same shall be, together with the whole of the aforesaid road, as laid out by the commissioners appointed by an act of the Legislature, entitled "An act to locate a State road from Stephenson to Peoria," approved February seventh, one thousand eight hundred and thirty-seven, a State road to all intents and purposes, and shall be opened, worked, and kept in repair, as required by law.

APPROVED, February 19, 1839.

In force, Feb.  
19, 1839.

#### AN ACT concerning the town of Lynnville.

Part of act re-  
pealed.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the proviso to the first section of the act, "entitled "An act to incorporate the towns therein named," approved on the twenty-seventh day of February, one thousand eight hundred and thirty-seven, so far as the same relates to or limits the powers of the president and trustees of the town of Lynnville, in Morgan county, be, and the same is hereby, repealed.

APPROVED, February 19, 1839.

In force, Feb. 19, 1839. AN ACT to authorize the building of a bridge across the Des Plaines river.

G. W. Smith  
may build  
toll-bridge.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That George W. Smith, his associates and their assigns, are hereby authorized to build a toll-bridge across the Des Plaines river, on the northeast quarter of section eleven, in township thirty-nine, of range twelve, east of the third principal meridian; and, also, on the southeast quarter of section two, in the same township and range.

Rates of toll.

SEC. 2. The rates of toll for passing over said bridge shall be as follows: For every four-wheeled carriage, wagon, or sleigh, with four or more horses, oxen, or mules, fifty cents; for every like wagon, or carriage, or sleigh, with [two] horses, oxen, or mules, thirty-seven and a-half cents; for every other description of carriage, wagon, cart, or vehicle, drawn by one animal, twenty-five cents; for a man and horse, twelve and a half cents; for a person on foot, six cents; for each horse, mule, ass, or head of neat cattle, two cents, and for each head of hogs, sheep, goats, or other animals not enumerated, one cent.

SEC. 3. The said bridge shall be begun and completed within three years, from and after the passage of this act, and shall at all times, after the completion thereof, be kept in good and substantial repair, and admit a safe passage of all persons and their property over it, on the payment of the toll herein specified. Time of commencement & completion.

SEC. 4. If any person shall do, or cause to be done, any injury or damage to the said bridge; by design, the person so doing or causing such injury shall forfeit and pay to the owners of the said bridge a sum of double the value of the amount of such injury or damage; which may be recovered before a justice of the peace, and, if over one hundred dollars, before the circuit court of the county in which such bridge shall be erected. Fine for damage to bridge.

SEC. 5. That in case the bridge shall be destroyed by high water, fire, or other casualty, it shall not create a forfeiture of the rights conferred by this act; but one year shall be allowed for the re-erection thereof, after the happening of such destruction by any of the casualties named. If bridge shall be destroyed.

APPROVED, February 19, 1839.

AN ACT to increase the corporate powers of the town of Liberty. In force, Feb. 19, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the president and board of trustees of the town of Liberty, in the county of Randolph, be, and they are hereby, authorized and empowered to increase the annual ad valorem tax on town lots to any rate, not exceeding two and a half per centum, that they may at any time think necessary for carrying on public improvements within the limits of said town. Tax may be increased.

SEC. 2. Said president and trustees are hereby vested with power and authority to borrow, upon the faith and credit of the corporation, a sum of money not exceeding twenty thousand dollars, for the purpose of securing the bank of the river, and improving the streets and alleys of said town; and to this end, said president and trustees may make and execute certificates of stock, under the seal of the corporation, to be styled "Liberty improvement stock;" and the power to borrow may be executed by the sale of said certificates of stock; and said president and trustees shall have power to take and use all proper means and measures for the transferring said stock. Said certificates of stock shall be redeemed in thirty years. May borrow money. Style of stock.

APPROVED, February 19, 1839.



In force, Feb. 16, 1839. AN ACT to authorize a change in a certain State road therein named.

County-com'r's may appoint three com'r's to locate road. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of Edward's county be, and they are hereby, authorized to appoint three commissioners, whose duty it shall be to review and relocate so much of the State road leading from Mount Carmel to Maysville as lies between the west line of section twenty-two, township one north, range fourteen west, and the place where said road intersects the State road leading from Albion to Maysville.

Time & place of meeting.

SEC. 2. Said commissioners shall meet on a day by them to be fixed, and after being duly sworn, before some justice of the peace, faithfully to discharge their duty, shall proceed to make such review and relocation, and shall return a plat thereof to the county commissioners' court of said county; which shall be filed and recorded therein; and after said return, that part of said road as now laid out between said points shall be vacated; and the road so located by said commissioners shall be opened, and kept in repair, as other State roads are required to be.

Plat, to be recorded.

Compensation.

SEC. 3. The county commissioners' court of said county, shall allow a reasonable compensation, to be paid out of the county treasury, as they may deem reasonable for their services.

APPROVED, February 16, 1839.

In force, July 4, 1839.

AN ACT disposing of the public property in Vandalia.

State house given to county of Fayette and town of Vandalia. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the house on the public square, in Vandalia, now occupied and used as a State house, be, and the same is hereby, granted to the president and trustees of the town of Vandalia, and to the county of Fayette, to be owned, occupied, and used by the said corporation and county, in severalty, as follows: The west half of said house, making the centre of the passage below and above the line of division, shall be used and occupied by the county as a court house, or place of holding courts, for said county, and for public offices, and shall be under the control of the county commissioners of said county, as other public buildings: the east half of said house shall be under the control of the said president and trustees of the town of Vandalia, and used for school purposes, and such other purposes as said president and trustees may deem for the interest of the inhabitants of the town, with this condition, that if, at any time hereafter, a county seminary shall be established in said county, the said east half of said house, or such part thereof as may be required, shall be used and occupied for that purpose,

Division of

Condition.

under the control and direction of the authority which may govern the said seminary.

SEC. 2. The county commissioners of Fayette county may select a sufficient number of stoves, chairs, and tables, out of the furniture of the State house, for the use of the court house and clerks' offices, which shall be delivered over to them by the person having charge of the same; and the president and trustees of the town shall also select the same description of articles for the use of the part of the house granted to the corporation; and all furniture remaining in the house, after the selection aforesaid, shall be delivered over to the president and trustees of said town, to be sold under their direction, and the proceeds of sales vested in a library for the use of the inhabitants of the town.

SEC. 3. The square on which the State house stands shall forever remain a public square, subject to be enclosed and used as at present, and never to become private property.

SEC. 4. All the lots owned by the State, situated in Vandalia, which have not been appropriated to some use, are hereby granted to the county of Fayette; and the county commissioners of said county are hereby authorized to sell said lots, and appropriate the proceeds of such sale to the making or repairing of bridges in the county of Fayette.

This act shall be in force from the date at which the public offices shall be removed from Vandalia.

APPROVED, February 19, 1839.

AN ACT to resurvey the town of Mount Vernon.

In force, Feb.  
19, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county surveyor of Jefferson, taking to his aid at least two other competent surveyors, be, and he is hereby authorized and required to resurvey, agreeably to the original plat thereof, the town of Mount Vernon, in said county, and to ascertain the beginning corner, (said to be the northeast corner of the public square) and mark the same by a durable monument; and from thence to survey, and mark, with stakes or stones, the lots, squares, streets, and alleys, of said town.

SEC. 2. Previous to, or in connection with, said survey, the said surveyors shall resolve themselves into a board of inquiry, and shall take an oath faithfully and impartially to perform the duties enjoined upon them by this act, and shall then proceed to summon all the citizens of said town, and such others of the county as they may see proper, who shall have resided therein for at least ten years next preceding the passage of this act, and them to examine on oath, touching any known corner or points of the original survey of said town, keeping minutes of such testimony, and of their proceedings, generally; and when they shall have satisfied themselves in respect

Report to be  
filed.

to a beginning corner, and completed a resurvey of said town, upon the original lines and corners thereof, or as near thereto as practicable, from the evidence so taken by them, they shall make out and sign a report of their proceedings, and return the same, with descriptive notes of corners, courses, bearings, distances, &c., to the clerk of the county commissioners' court of said county, by whom the same shall be filed and carefully preserved for future reference.

Compensa-  
tion.

SEC. 3. The said resurvey, when so made, as aforesaid, or properly authenticated copies thereof, shall be deemed *prima facie* evidence of the boundaries or corners of lots, squares, streets, and alleys of said town, in all courts, or other places, where the same may or shall be drawn in question.

SEC. 4. The said surveyors shall be paid, out of the corporation treasury of said town, the sum of two dollars, each, per day, for their services under this act; and all the expenses attending the execution of this act shall be paid in like manner.

APPROVED, February 19, 1839.

In force, Feb. 19, 1839. AN ACT declaring the road from Jacksonville to Springfield a State road.

Road chang-  
ed.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the road leading from Jacksonville to Springfield, as now used and traveled, is hereby declared a State road, but shall be changed, in the county of Morgan, between Reeves' blacksmith shop and where the present road passes through the first point of timber east of said shop, and from thence to pass, on the present traveled road, to the bridge across the north branch of the Mauvaise-terre creek; and from thence, on the nearest and best ground, to Trenton; and from thence to where the present road crosses the county line between Morgan and Sangamon counties.

Com'rs to  
change road.

SEC. 2. James Henderson, Robert Cassell, and James Todd, are hereby appointed commissioners to locate the changes hereby required, in said road. They shall meet at Reeve's shop, on some day before the first day of July next, and, upon being duly sworn to discharge the duties required of them, shall proceed to discharge the duties required of them; and, upon surveying and locating said road, shall make report thereof to the county commissioners' court of Morgan county; and in said report they shall note the courses and distances from point to point, with such other remarks as they may deem necessary; which report shall be entered on record; and the route located shall thereafter be the State road.

Report.

APPROVED, February 19, 1839.



AN ACT to change a part of the Grand View and Terre Haute road, in the county of Edgar. In force, Feb. 19, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That that part of the road lying between the ford of the creek, near Thomas Hicklins, in Edgar county, and the school house called Independence, about a quarter of a mile west of the aforesaid ford, be, and the same is hereby, relocated, and placed on the town-ship line between those points, or as near to the line as the nature of the ground will permit. Part of road relocated.

SEC. 2. The present road shall be kept in repair as usual, and used as a public road until the above change is made, and the road opened, and made safe and convenient for service; after which time the present road shall be considered vacated, and the new part shall be recognized as a part of the State road leading from Grand View to Terre Haute.

APPROVED, February 19, 1839.

AN ACT authorizing the building of certain bridges, and changing certain appropriations. In force, Feb. 19, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners of Vermilion county are hereby authorized and required to appropriate, on or before the first Monday in June, 1839, all the means now in their hands, or which may hereafter come into their hands, as appropriations, to build a bridge across the Big Vermilion river, together with all other means, in their hands at that time, over and above a sufficiency to pay the current expenses of the county, in the erection of three bridges; one across the Little Vermilion river; one across the North Fork of the Big Vermilion river, either at Denmark, or at the place where the State road from Vincennes to Chicago crosses said North Fork; and one on the Middle Fork of the Big Vermilion river. Authority of com'rs of Vermilion county  
Bridge across Big Vermilion.  
One across Little Vermilion.  
One across N. fork Big Vermilion.

SEC. 2. That the proceeds of one hundred acres of the Vermilion Saline lands, appropriated to the county of Vermilion by an act of the General Assembly, approved 22d of July, 1837, be, and the same is hereby, appropriated to the county of Champaign, to be expended, by the county commissioners of Champaign county, in building a bridge across the Sangamon river; and the proceeds of one hundred acres of the same land, appropriated to Iroquois county, by the act above referred to, be, and the same is hereby, appropriated to said county of Champaign, to be expended, under the direction of the county commissioners of said county, in the manner above specified. Proceeds of land, how applied.  
Appropriation to Iroquois applied to Champaign county.

Acts repealed. SEC. 3. All acts and parts of acts coming in collision with the provisions of this act be, and the same is hereby, repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

APPROVED, February 19, 1839.

In force, Feb. 21, 1839. AN ACT to amend an act, entitled "An act for the relief of the poor." approved March 1, 1833.

Justices made overseers of the poor. SEC. 1. *Be it enacted by the People of the State of Illinois, represented the General Assembly,* That the justices of the peace in each justice's district, in conjunction with such person to be appointed by the county commissioners' court in the several counties of this State, shall be, and are hereby made, overseers of the poor, and are vested with the entire and exclusive superintendence of the poor in their respective districts.

Persons having care of the poor, to give bond. SEC. 2. It shall be the duty of said justices, within their respective districts, and the person appointed as aforesaid, diligently to inquire after all such persons as are unable to earn a livelihood in consequence of any bodily infirmity, idiocy, lunacy, or other unavoidable cause, and to provide for them the necessary comforts of life, by confiding the care of such poor person or persons to some moral and discreet household-er or householders in the district, of sufficient ability to provide for them. Every person to whom the care of such poor person shall be committed shall execute a bond to the county in which said poor person shall reside, conditioned that he will treat said poor person with humanity, and afford to him or her the necessary attention and comforts of life fitted to his or her condition. Said bond shall set forth the sum to be given by said county for keeping such poor person or persons.

Overseers to report to co. com'rs. SEC. 3. Said overseers shall, at each session of the county commissioners' court, make a full report of their actings and doings under this act, and return a list of all the poor within their respective districts, specifying the age, sex, and infirmities of each.

SEC. 4. Upon the making of said report, it shall be the duty of the several county commissioners' courts to make such appropriations as will justify the person having the custody of any poor person in affording to him or her suitable clothing, and such comforts as may be suitable to their state and condition.

SEC. 5. Any sum set forth in the bond executed by any county as aforesaid may be lessened or increased at the discretion of said county, without affecting, in either case, the validity of the bond.

SEC. 6. Said county commissioners' court may, at any regular term of said court, remove any poor person from the custody of the person or persons to whose care the overseers may have committed the keeping of such poor person, without subjecting the overseers, or the county, to any claim for damages. Persons may be removed.

SEC. 7. So much of the act, entitled "An act for the relief of the poor," approved March the first, one thousand eight hundred and thirty-three, as may be contradictory to the provisions of this act, is hereby repealed.

SEC. 8. Said overseers, in fixing the amount to be paid for keeping any poor person, shall take into the calculation the ability of the poor person to labor.

SEC. 9. The county commissioners' court, in each county, is hereby authorized (whenever it shall see fit so to do) to establish a poor-house. Poor-house.

SEC. 10. The county commissioners are hereby authorized to take to the county, by grant, devise, or purchase, any tract of land, not exceeding six hundred and forty acres, for the purposes of said poor-house.

SEC. 11. Said county commissioners' courts are hereby empowered to receive donations to aid in the establishment of said poor-house, and are also empowered, from time to time, if it shall see fit, to levy and collect a tax, not exceeding one-fourth of one per cent., on the taxable property of the county, and to appropriate the same to the purchase of land, not exceeding the aforesaid six hundred and forty acres, and to erect and furnish buildings suitable to a poor-house, and to put it into operation, and to defray the annual expenses of said poor-house, should the labors of the inmates be inadequate thereto. Donations for poor-house. Tax.

SEC. 12. Said county commissioners' courts are hereby authorized to employ such agents and other persons as may be necessary to establish and put into operation such poor-house.

SEC. 13. Whenever any county commissioners' court shall enter upon their records that they have established a "poor-house," and that such poor-house is ready for the reception of the poor of the county, then the authority conferred upon the overseers of the poor shall cease to be in force in said county: *Provided, however,* if there be any particular case or cases which the court should deem prudent to put out under the provisions of this act, they may do so, making a proper entry of the circumstance upon their records. Agents of poor-house. Proviso.

SEC. 14. The title to the property authorized to be acquired by this act, for the purpose of said poor-house, shall be made to the county. Title of property vested in county.

SEC. 15. The act, approved February thirteenth, one thousand eight hundred and thirty-five, entitled "An act to amend the act, entitled 'An act for the relief of the poor,'" approved March the first, one thousand eight hundred and thirty-five,



Act still in  
force.

Exception.

Relations of  
poor not re-  
leased.

shall continue in force, except that a residence of six months shall be required, instead of twelve months.

SEC. 16. The provisions of this act shall not affect the liabilities imposed upon, and duties required of, relations of poor persons, by the second and third sections of the act, entitled "An act for the relief of the poor," approved March the first, one thousand eight hundred and thirty-three.

APPROVED, February 21, 1839.

In force, Feb. 19, 1839. AN ACT to authorize Henry W. Cleavland to build a toll-bridge across the Winnebago swamp.

Bridge across  
Green river.  
Causeway  
across swamp.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Henry W. Cleavland and his associates, their heirs and assigns, be, and they are hereby, authorized to erect a toll-bridge across Green river, and a causeway across the Winnebago swamp, at or near the place where the State road from Peoria to Galena now crosses the same.

Time of com-  
mencement &  
completion.

SEC. 2. That the said Henry W. Cleavland, his associates, heirs and assigns, shall commence said bridge and causeway within six months, and have the same completed within one year from the passage of this act, in a good and substantial manner, for the safe crossing of persons, wagons, and droves of stock, over it. The said causeway shall be so constructed as to admit, in all places necessary, the free passage beneath it. When the said bridge and causeway are completed, the owners or proprietors thereof shall have right to place at either end, or in the centre of the same, a toll-gate; and they are hereby authorized to ask and demand, from all persons crossing the same, such rates of toll as are hereinafter provided.

Rates of toll.

SEC. 3. The rates of toll for crossing over said bridge and causeway shall be as follows, viz: For each score of hogs, sheep, or goats, twenty-five cents; each mule, ass, or horse, six and one-fourth cents; each head of cattle, four cents; each one-horse wagon, or other vehicle drawn by one horse, twenty-five cents; for the same when drawn by two horses or oxen, thirty-seven and a half cents, and six and one-fourth cents in addition for each additional animal by which the same is drawn; for each man and horse, twelve and a half cents; and for each footman, six and a fourth cents.

Bridge to be  
kept in repair.

SEC. 4. The said Henry W. Cleavland and his associates, their heirs and assigns, shall, at all times after the completion of said bridge and causeway, keep the same in good repair, and allow at all times a speedy passage to all persons and their property over it. upon the receipt of the toll herein allowed; and if at any time the said bridge or causeway shall be left out of repair, so that the same shall be impassable, of dangerous of passing, for the space of ten days at any one

time, the said bridge shall accrue to the county in which it may be situated, and become a free-bridge: *Provided, how-* Proviso.  
*ever,* That the destruction of said bridge by high water, fire, or other casualty, shall not operate as a forfeiture of the privileges herein granted, if the said proprietor or proprietors, their heirs or assigns, shall immediately proceed to repair or rebuild said bridge, and have the same completed within thirty days after the injury or destruction thereof.

SEC. 5. Whenever the county commissioners' court of the county in which said bridge and causeway may be situated, shall deem it expedient to purchase said bridge and causeway and make it free, they shall have the right to do so upon paying the said Cleavland, his heirs and assigns, the original cost of said bridge and causeway, with ten per cent. on the original costs thereof. And for the purpose of enabling the said county commissioners to know the actual cost of said bridge and causeway, the said proprietors shall, as soon as the said bridge and causeway are completed, make out and file with the clerk of said court an account of the actual expenses of building the same, and make affidavit before said clerk, or some justice of the peace, that the said account is in all respects just and true. Com'rs may purchase. Account of cost to be filed

SEC. 6. The said causeway shall be raised at least three feet above the surface of the adjacent ground, and shall extend north and south of the bridge across Green river, so as to embrace all the wet ground adjacent to, or connected with, the Winnebago swamp over which the road shall pass. Said causeway shall be made of good timber and covered over with earth, and shall not be less than twenty feet wide; but the said bridge need not be more than fifteen feet in width.

SEC. 7. If at any time the said bridge or causeway is so disordered or impaired, or any of the structures shall be so slightly made, or repaired, that any person or persons, or their property, shall receive injury in consequence thereof, the said proprietor or proprietors, their heirs or assigns, shall be liable to the party or parties injured, for the amount of such injury or damage sustained, recoverable in action of debt, before any court having jurisdiction of the same. Proprietors liable.

APPROVED, February 19, 1839.

---

AN ACT to provide for the removal of the public offices to Springfield. In force, July 4, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That from and after the fourth day of July, one thousand eight hundred and thirty-nine, the seat of Government of the State of Illinois shall be deemed and held to be at Springfield, in the county of Sangamon; and all terms of the Supreme Court, and sessions of the General Assembly, which may be had or held after that Seat of Government to be at Springfield.

date, shall be holden at Springfield; and from and after that date, all acts, judicial, legislative, or executive, required to be done or executed at the seat of Government, shall be done and executed at Springfield; and all laws now in force requiring any officers to reside at the seat of Government, or requiring any matter or thing to be done and performed, or requiring action of any kind, by officers or individuals, at the seat of Government, are hereby made and declared applicable to Springfield, as the seat of Government: *Provided, however,* The Secretary of State, Auditor, and Treasurer, shall continue and remain in Vandalia, and occupy their present offices, until required to remove as herein provided for.

Proviso.

Com'rs of State house to notify Gov., who shall issue proclamation.

SEC. 2. Whenever the commissioners of the State house shall have finished rooms suitable for the public offices, or whenever suitable rooms for said offices shall be furnished, free from expense to the State, they shall notify the Governor thereof, who shall, upon receiving such notice, issue a proclamation requiring all State officers who are required to reside, or keep their offices, at the seat of Government, to remove all books, records, documents, seals, and papers, pertaining to their respective offices, to Springfield, by a day to be fixed in such proclamation; and it is hereby made the duty of all such officers to obey the said proclamation, and, from and after the date fixed therein, to keep their respective offices at Springfield, the seat of Government.

Officers to obey proclamation.

Supreme Court.

SEC. 3. The Supreme Court is hereby authorized to make all such orders, and require the execution thereof, as may be necessary to the transferring and removing the records, files, and papers, of said court, to Springfield, by the time fixed by this act for the location of the seat of Government at that place.

Next term of Sup. Court.

SEC. 4. The next term of the Supreme Court shall be holden on the second Monday in July next, and, thereafter, at the time required by law.

Attorney Gen.

SEC. 5. The Attorney General shall not be required to reside at the seat of Government during the years 1839 and 1840; but after the year 1840 the Attorney General shall reside at the seat of Government. During the years 1839 and 1840 the Attorney General shall prosecute and perform the duties now required of him by law in the second judicial circuit.

APPROVED, February 21, 1839.

---

In force, Feb. 21, 1839. AN ACT authorizing the location of a State road through parts of Vermilion and Champaign counties.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That John Millican and David Yarnall, of Vermilion county, and Henry Sodus, of*



Champaign county, be, and they are hereby, appointed commissioners to view, survey, mark, and locate, a State road, beginning at or near where the county road leading from Newport, Indiana, to the Salt-works in Vermilion county, Illinois, crosses the State line; thence, the nearest and best way, to Georgetown; thence to Chillicothe; thence, with the State road passing now through Chillicothe, to or near David Yarnall's; thence to the Three-mile Grove; thence, the nearest and best way, to intersect the road leading from Decatur to Danville, at Henry Sodus', in Champaign county.

Com'rs to  
locate road.

SEC. 2. Said commissioners shall meet at the house of Benjamin Canady, in Georgetown, on the first Monday in July, eighteen hundred and thirth-nine, or so soon thereafter as convenient, and shall proceed to view, survey, mark, and locate, a State road, in compliance with the first section of this act; and, to effect that object, may call to their aid, a competent surveyor and two chainmen. Said commissioners and surveyor shall each receive two dollars, and each chain-carrier one dollar, per day, for every day they are necessarily employed in reviewing, surveying, marking, and locating said road.

Time & place  
of meeting.

SEC. 3. Said commissioners shall lay out said road four poles wide, and shall mark and designate the course of said road in its passage through timber and prairie, in such manner as to them may seem most advisable.

Width of road

SEC. 4. Said commissioners shall, within three months after the location of said road, cause a plat of the same to be filed with the county commissioners' court of Vermilion county, and also with the county commissioners' court of Champaign county; which said courts shall pay all expenses incurred in viewing, surveying, marking, and locating, said State road, paying in proportion to the amount said road may be laid out in their respective counties: *Provided*, That the county commissioners of Champaign county shall not be compelled to pay any of the expenses for locating said road; but may [pay] their proportion of the same, if they deem proper so to do.

Plat to be  
filed.

Expenses.

APPROVED, February 21, 1839.

AN ACT to locate the county seat of Whiteside county, and provide for the election of county officers.

In force, Feb.  
21, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the legal voters of the county of Whiteside, shall meet at the respective places of holding elections in said county, on the first Monday in May next, and shall vote for a point or points for the permanent seat of justice of said county. In the event of more than one place receiving votes, it shall be lawful for the legal voters to meet again on the Monday four weeks next following the first Monday in May, and again vote for the

To vote for  
county seat.

**Proviso.** location of the county seat: *Provided, however,* That the point receiving the lowest number of votes shall not be voted for again at any succeeding election; and the legal voters shall meet on the Monday of each succeeding four weeks and vote, until some one place shall receive a majority of all the votes given at any one election; and which place, so receiving a majority of all the votes given, shall be, and forever remain, the permanent seat of justice for said county.

**Donations.** **SEC. 2.** It shall be lawful for any individual of said county to offer donations in land to the said county of White-side, whereon to locate the seat of justice; and which offers or proposals, so made, shall be posted up at three public place in each precinct; and proposals so made shall be binding on the individuals making the same; and the person or persons offering such donation at the place selected by the legal voters, shall cause a good and sufficient deed to be made and executed to the county commissioners' court of said county, within four weeks after the location shall be made.

**Proposals made binding.**

**Election for co. officers.** **SEC. 3.** The legal voters of the said county shall also, on the said first Monday in May next, proceed to vote for, and elect, all county officers for said county; and the county commissioners shall meet at the house of William D. Dudley, within ten days after the said election, and, after being duly qualified, shall proceed to levy a county tax for the present year, lay off road districts, appoint supervisors, and perform such other duties as shall be required by law.

**Notice of election.**

**SEC. 4.** It shall be the duty of Adam R. Hamilton, Esq., to give at least ten days' notice of the election provided for by this act; and the said Adam R. Hamilton and C. R. Woodruff, justices of the peace for said county, shall meet at the house of William D. Dudley, within seven days after said election, and proceed to examine the poll-books; shall make returns to the office of Secretary of State, and do any such duties as are required of clerks of county commissioners and justices of the peace in like cases.

**Duty of justices of peace.**

**SEC. 5.** It shall be the duty of the aforesaid justices of the peace to return the poll-books containing the votes for the location of the county seat, to the clerk of the county commissioners' court, who shall cause the said returns to be preserved in his office for the inspection of any person or persons concerned.

**Courts, where held.**

**SEC. 6.** The circuit and county courts shall be held at such places as the county commissioners shall designate, until suitable arrangements are made at the county seat; and the said county commissioners shall cause public buildings to be erected without unnecessary delay.

**Term of office.**

**SEC. 7.** The county officers elected under the provisions of this act shall hold their respective offices until the next general election for such officers, respectively, and until their successors are elected and qualified. This act to be in force from and after its passage.

APPROVED, February 21, 1839.



AN ACT to vacate the survey and plat of the town of Middletown. In force, Feb. 21, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Newman, the proprietor of the town of Middletown, in the county of Will, and that owners of lots therein, be, and they are hereby, authorized to alter, change, or vacate, the survey and plat of said town, as may be deemed necessary and proper: *Provided,* The said John Newman, and all owners of lots in said town, shall first, in writing, duly signed, sealed, and recorded in the recorder's office of said county, signify his and their consent thereto. Proprietors may change plat.

APPROVED, February 21, 1839.

AN ACT to regulate interest on Auditor's warrants.

In force, Feb. 21, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter, whenever the balance due the State Bank of Illinois, from the State of Illinois, shall exceed the sum of ten thousand dollars, it shall be the duty of the Auditor of Public Accounts, upon the return of the warrants paid by said bank, to issue his certificate, in favor of said bank, for the balance so due; which said certificate shall bear interest, at the rate of six per cent. per annum, from date until paid: *Provided,* That nothing in this act contained shall in any manner affect the provisions of "An act to provide for the safe-keeping and security of the public money," approved March 4, 1837. Duty of Auditor. Proviso.

SEC. 2. The Auditor of Public Accounts shall, immediately after the passage of this act, issue his certificate, in favor of said bank, for the balance due said bank on the last quarterly settlement; which said certificate shall bear interest as provided for in the first section of this act. Aud. to issue certificate in favor of State Bank.

SEC. 3. Auditor's warrants, hereafter issued, shall bear interest, at the rate of six per centum per annum, from their date until paid; and the Bank of Illinois may pay any warrants issued upon the State Bank of Illinois. Warrants to bear interest

APPROVED, February 21, 1839.

AN ACT to build a bridge across Fox river, at Ottawa.

In force, Feb. 21, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William E. Armstrong, his heirs and assigns, be, and they are hereby, authorized to build a toll-bridge across Fox river, in township thirty-three north, of range three, east of the third principal meridian, by or between the aqueduct crossing said river. Persons to build bridge.



and the junction of the Fox and Illinois rivers, at the town of Ottawa, in La Salle county, and State of Illinois, *Provided*, Said bridge shall not interfere with the aqueduct or the navigation of Fox river.

Time to commence and complete.

SEC. 2. The said William E. Armstrong, his heirs or assigns, shall commence the building of said bridge within two years, and complete said bridge within five years from and after the passage of this act. Said bridge shall be built in a good and substantial manner, so as to give a safe and easy passage to all persons, and their property, wishing to cross the same.

Toll-gate.

SEC. 3. After said bridge shall be completed, the said William E. Armstrong, his heirs or assigns, are hereby authorized to place a toll-gate on either end of said bridge, or elsewhere, when he or they may demand, of all and every person passing said bridge, the following rates of toll, to wit:

Rates of toll.

For each two-horse wagon, drawn by two horses or one yoke of oxen, twenty-five cents; for each additional pair of horses or yoke of oxen, twelve and a half cents; for each one-horse wagon or carriage, eighteen and three-fourth cents; for each man and horse, twelve and a half cents; for each head of hogs, sheep, or goats, one cent; for each head of horses, mules, asses, or cattle, three cents; and three cents for each footman.

To be kept in repair.

SEC. 4. The said William E. Armstrong, his heirs or assigns, shall, at all times after the completion of said bridge, keep the same in good repair, and allow a speedy passage; and if at any time the bridge be kept out of repair, so that the same be impassable for the space of six months, at any one time, the said bridge shall accrue to the county of La Salle, *Provided, however*, That destruction of said bridge by fire, high water, or other casualty, shall not work a forfeiture of the privileges hereby granted; but the said Armstrong, his heirs or assigns, shall proceed immediately to repair the same.

Proviso.

Com'rs may purchase.

SEC. 5. When the commissioners of the county of La Salle deem it expedient to purchase said bridge, they shall have the right to do so, by paying the said Armstrong, his heirs or assigns, the value of said bridge; which value shall be ascertained by the valuation of three disinterested appraisers, to be appointed by said court, who shall be sworn to a faithful and impartial discharge of their duties as such appraisers.

Forfeiture for injury done to bridge.

SEC. 6. If any person or persons shall wilfully do, or cause to be done, any injury to said bridge, the person or persons so offending shall forfeit and pay the said William E. Armstrong, his heirs or assigns, double the amount of such injury or damage, to be recovered before any court having jurisdiction of the same.

SEC. 7. The said William E. Armstrong, his heirs or assigns, shall be entitled to purchase, hold, and convey, so

much real estate as may be necessary to construct the aforesaid bridge and erect a toll-house, or whatever may be necessary for the use and purposes of said bridge.

SEC. 8. For building or raising the bridge, no timber, stone, or materials, shall be placed upon ground, or in such a situation, as to be in the way of, or interfere with, the work progressing on the Illinois and Michigan canal, or any work connected therewith.

SEC. 9. The said bridge shall be deemed a public highway, within the meaning of the laws providing for the punishment of persons injuring, obstructing, or destroying public bridges, in any manner, or by any means whatever. This act to be in force from and after its passage.

APPROVED, February 21, 1839.

AN ACT concerning certain State roads in the counties of Wabash and Lawrence. In force, Feb. 21, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of the county of Wabash are hereby authorized and empowered to alter, relocate, and establish, so much of the State road from Mount Carmel to Greysville as runs near the farm of George Glick, in said county, so that the same may run by the dwelling house of said Glick; and thence, onward, to the intersection of the present State road, on such ground as may be selected as best suited to the public convenience, whenever said court may deem it expedient so to do.

SEC. 2. That the public road now laid out from Mount Carmel, by way of Danforth's corner, on Barney's prairie, Wabash county, William Clark's, Miller's, &c., in Lawrence county, to Lawrenceville, be, and the same is hereby, declared a State road, to be opened and kept in repair as all other State roads.

SEC. 3. That so much of the State road from Mount Carmel to Maysville as lies between Mount Carmel and Centreville, in Wabash county, laid out under the authority of an act, entitled "An act to locate a State road between Mount Carmel, in Wabash county, to Maysville, in Clay county," approved January 9, 1836, be, and the same is hereby, vacated; and that the road from Mount Carmel to Centreville, by the way of the farm of Daniel Greathouse, heretofore laid out as a county road, be, and the same is hereby, declared to be a State road, to be opened and kept in repair as other State roads.

APPROVED, February 21, 1839.

In force, Feb. 22, 1839. AN ACT for the relief of trustees of schools in township six north, range eight west, in Madison county.

**Sale of lots legalized.** SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sale of lots numbered nine, ten, and thirteen, containing two hundred acres of school land, in section numbered sixteen, of township numbered six north, range numbered eight, west of the third principal meridian, in Madison county, made by the trustees of schools of said township to John Smith, of the county of Clark, in the State of Indiana, be, and the same is hereby, legalized.

**Duty of Gov.** SEC. 2. The Governor is hereby authorized to cause a patent to issue to the said John Smith for the above described land, in conformity with the laws now in force relative to the issuing of patents to purchasers of school lands.

APPROVED, February 22, 1839.

In force, Feb. 22, 1839. AN ACT to provide for the appointment of notaries public.

**Petition for notary public.** SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever fifty legal voters of any city, town, village, or township, in this State, shall, by petition to the Governor, request the appointment of a notary public in such city, town, village, or township, **Duty of Gov.** the Governor shall, by and with the advice and consent of the Senate, appoint a notary public conformably to such request: *Provided,* That not more than five appointments shall be made in any one city, town, village, or township: *And* **Proviso.** *provided, also,* That each petition shall be signed by different voters; and not more than one appointment shall be made upon the petition of the same persons.

**Further provision.** SEC. 2. Notaries public appointed under the provisions of this act shall have and possess all the powers, and perform such duties as is or may be required by law; and vacancies occurring shall be filled upon petitions as is required to obtain appointments by the foregoing section. **Powers of notary public.**

**Number.** SEC. 3. In cities, towns and townships, in which one or more notaries public have been appointed under existing laws, the number of notaries shall not be increased by the provisions of this act to more than five, including those already provided for.

APPROVED, February 22, 1839.



AN ACT making an appropriation for a library for the use of the Legislature and Supreme Court. In force, February 22, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of five thousand dollars be, and the same is hereby, appropriated to the purpose of paying for a law and miscellaneous library, for the use of the Legislature and Supreme Court of this State; and the Auditor of Public Accounts shall issue his warrant to the proper persons, upon the treasury, for the said sum. \$5,000 for library.

SEC. 3. The Judges of the Supreme Court and the Governor are hereby authorized and requested to make the selection of the books herein provided for; and to receive the money in the foregoing section appropriated, and therewith pay for the said books. And the Judges and Governor are hereby required to provide for the safe-keeping of said books until the next session of the General Assembly; and that they also report their actings and doings in the premises, and such rules for the government and use of said books, as they may deem expedient. Duty of judges of S. C. and Governor.

APPROVED, February 22, 1839.

AN ACT to authorize the trustees of schools in township seven north, range seven east, to revalue the sixteenth section. In force, February 22, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the trustees of schools in township seven north, range seven east, in the county of Peoria, be, and they are hereby, authorized to revalue and appraise so much of the sixteenth section in said township as remains unsold, or that may revert to the people of the township, by reason of non-payment of the purchase money and interest accruing on any part of said sixteenth section heretofore sold. May revalue sixteenth section.

SEC. 2. The said trustees shall make a certificate of the valuation made by them under the provisions of this act, to the school commissioner of the county of Peoria, in the same manner as is required of the trustees of school lands by the fourth section of an act to amend an act, entitled "An act authorizing the sale of section numbered sixteen, or such lands as may be granted in lieu thereof, to the inhabitants of such township, for the use of schools," approved February fifteenth, one thousand eight hundred and thirty-one. Certificate.

APPROVED, February 22, 1839.

In force, Feb. 21, 1839. AN ACT declaring Fox river, in White county, a navigable stream.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Fox river, in White county, from its confluence with the Great Wabash river up to the centre line east and west, of section twenty-nine, in township four south, of range fourteen west, be, and the same is hereby, declared a navigable stream and public highway.

SEC. 2. Said stream, as far up as stated, shall never be obstructed in any manner so as to impair the free, safe, and uninterrupted navigation of the same; and any person so obstructing or impairing the navigation thereof shall be liable to the penalties and fines now or hereafter to be imposed by law for such offences.

APPROVED, February 21, 1839.

In force, Feb. 22, 1839. AN ACT to amend "An act to incorporate the Union College of Illinois."

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That* from and after the passage of this act, it shall not be in the power of the trustees of the Union College of Illinois, nor any teacher or professor thereof, to make, ordain, or establish, any rule or regulation, to enjoin or compel the attendance of any pupil to any particular church, or place of divine worship, against the wishes of the parent or guardian; nor shall any such rule, which may have been made, be enforced by said trustees, teachers, or professors; nor shall the tenets of any particular sect, or persuasion of religion, be ever taught, or in any manner inculcated, in said college. This act shall not be so construed as to authorize a neglect of proper instruction in moral duties and obligations, but shall only be construed so as to prevent discord and jealousy on religious subjects among the parents, guardians, and other patrons of the said college.

APPROVED, February 22, 1839.

In force, Feb. 22, 1839. AN ACT to provide for selling water-lots and privileges on the Illinois and Michigan canal.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* the Board of Commissioners of the Illinois and Michigan canal may order a sale, or sales, of lots of ground for manufacturing purposes, and the use of surplus water to propel machinery, for a term of years not exceeding ninety-nine, at those points and places on the line of the canal where lots have or may be laid off for that purpose, upon the terms and conditions following: *Provided, That*, until the further action of the General Assembly, not more than three lots shall be sold at any one place or point.

Sale of lots.

Proviso.

SEC. 2. Each lot, with the privilege of using water to propel machinery to be erected thereon, shall be sold separately, at public auction, to the person bidding the highest annual rent therefor. The place of sale shall be fixed by the Board. A notice, stating the time and place of the sale, and describing the lots and water to be sold, shall be published, once a week, for eight weeks, in at least four newspapers in the State, and four without the State, immediately preceding the sale. Previous to any sale, the commissioners shall value the lots and privileges separately, at a fair and reasonable value, as they are required to do in relation to lots and canal lands; and no sale shall be made for less than such valuation. Upon making any sale, the Board shall execute a lease, under their seal, for such term of years as may have been directed, in the name and behalf of the people of the State, to the purchaser; and, in such lease, the rent bid by the purchaser shall be reserved. Triplicate leases shall be made, and shall be signed by the purchaser, and covenants shall be inserted for the annual payment of the rent, at such place within the State, and to such person, as may at any time be required by law, with condition that, in case of default in making any annual payment for the period of one year, the lease shall become void, and all the rights, thereby granted, forfeited to the State.

Number sold  
at one place.

Notice of sale.

Valuation of  
lots.

SEC. 3. Leases shall also contain a reservation of the right wholly to resume the water conveyed, and the privileges thereby granted; and to control and limit the use of such water and privileges, whenever, in the opinion of the Board, or of the Legislature, the necessary supply of water for the use of the canal, or the safety of the canal, or works connected therewith, shall render such resumption, control, or limitation necessary; and a provision that, when such resumption is made, or control or limitation imposed, no compensation or damage shall be allowed for any improvements or erections made in consequence of such lease; and a further reservation shall be made of the right of the State, without making any compensation to the purchaser, wholly to abandon or destroy the work by the construction of which the water privileges shall have been created, whenever, in the opinion of the Legislature, the occupation and use of such works shall cease to be advantageous to the State.

Leases to contain  
reserve.

SEC. 4. Leases shall contain specific descriptions, by actual measurement, of the lots leased, and shall specify the quantity of water to be used per day or month.

Quantity of  
water.

SEC. 5. One copy of each lease shall be delivered to the purchaser, who shall, without delay, cause the same to be recorded by the recorder of the county in which the premises leased are situated; one copy shall be filed and kept by the Board, and the other copy shall be by the Board delivered to the Auditor of Public Accounts.

Leases to be  
recorded.



Recording,  
how paid.

SEC. 6. All the expenses of executing and recording leases shall be paid by the purchaser.

SEC. 7. There shall also be inserted in every lease a condition inhibiting the manufacture of spirituous or vinous liquors upon lots leased.

SEC. 8. The Board shall have power to fix a time within which the lessee, his heirs or assigns, shall put in operation the machinery intended to be used upon lots leased, and to insert a condition of forfeiture in every lease, on failure to comply with the conditions thereof, either as to time or manner; and also to insert conditions requiring the lessee, their heirs and assigns, to keep the buildings and machinery under insurance in some safe office; and in case of failure in this condition, that the Board or the State shall have the right to effect such insurance, and to add the cost and expense of such insurance to the amount of rent reserved.

SEC. 9. The Board shall take and use all means and measures requisite to carry into effect the objects of this act, and shall fix the places at which water is to be taken from the canal, and provide for the withdrawal thereof in such manner as to prevent injury to the canal, and also provide safe conveyances for the return of the water into the canal, or for its running off without injury to the State or individuals.

Walls of  
houses.

SEC. 10. The Board shall have power to direct the material with which the walls of the houses erected on leased lots shall be made, with a view to permanency, and to avoid injury from fire.

Sealed propo-  
sals.

SEC. 11. Sealed proposals shall be received for purchases under the provisions of this act, and each proposal shall specify the use intended to be made of the lot and water, the time within which the first buildings shall be commenced and completed, and the time of commencing the use of water for manufacturing purposes; and, also, the dimensions of the buildings as to width, length, and height, and shall also be accompanied with the name of two or more responsible persons, to be bound as security for the performance of the covenants, so far as relates to the erection of buildings.

Purchasers to  
give bond.

SEC. 12. Each purchaser shall give a bond, with two or more securities, payable to the State, with conditions that the purchaser will, within the time limited, erect one or more buildings, such as may be agreed on, and, in case of default, that the State shall be paid three times the amount of rent reserved by the terms of the lease, from the date thereof to the date of obtaining judgment upon the bond.

Provisions of  
sections of  
law applica-  
ble.

SEC. 13. The provisions of the thirty-ninth and fortieth sections of the act, entitled "An act for the construction of the Illinois and Michigan canal," approved on the ninth day of January, one thousand eight hundred and thirty-six, shall be applicable to sales made under the provisions of this act.

SEC. 14. The power of taxing the lots and privileges sold under the provisions of this act, and all improvements made

thereon, is reserved to the State; but this power to be exercised according to the provisions of the constitution, and the same rules to be observed in assessing and collecting the taxes as are applied to other property in the State.

APPROVED, February 22, 1839.

AN ACT to change a part of the State road from Peoria to Knoxville, in Knox county, and for other purposes. In force, Feb. 22, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the State road established from Peoria to Knoxville, in Knox county, under the act of the thirty-first of January, eighteen hundred and thirty-seven, as lies between Hugh Furgeson's and section twenty-seven, in township eleven north, and of range one east, is hereby vacated and annulled; and the county road between those points named, as now established and opened, shall be considered, and is hereby declared, a State road, forming a part of said State road from Peoria to Knoxville. Road vacated.

APPROVED, February 22, 1839.

AN ACT to locate a State road from Mount Sterling, in Brown county, to Macomb, in McDonough county. In force, Feb. 22, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James W. Singleton, senior, of Brown county, and Edward Doyle, of Schuyler county, and Hugh Kincade, of McDonough county, be, and they are hereby, appointed commissioners, to view, mark, and locate a State road, from Mount Sterling, in Brown county, via Dunlap's mill, on the Little Missouri; thence to the southwest corner of township number three (3) north, and range number three, west of the fourth principal meridian; thence to Rall's mill, on Crooked creek; and thence to Macomb, in McDonough county. Com'rs to locate road.  
Course.

SEC. 2. The commissioners aforesaid, or a majority of them, shall meet at the town of Mount Sterling, on the first Monday of April next, or within six months thereafter, and, after having been sworn by some justice of the peace faithfully and impartially to discharge the duties required of them by this act, shall proceed to view, mark and locate said road, keeping in view the shortness of the route and the eligibility of the ground, so as to make the same as convenient and permanent as practicable. Time and place of meeting.

SEC. 3. The said commissioners, so soon as they shall have completed said work, shall make out a map or plat of said road, giving the courses, distances, streams, notable places, &c.; To make map

and shall file a copy of the same with the clerk of the county commissioners' court in each county through which the said road may pass, which shall be recorded at length in the books of said courts.

Pay of  
com'rs.

SEC. 4. The county commissioners' courts of said counties through which said road may pass shall allow the said commissioners a reasonable compensation for their services, in proportion to the length of said road in the several counties through which said road may pass; and the said county commissioners shall cause said road to be opened and kept in repair in the same manner as other State roads are required to be done.

APPROVED, February 22, 1839.

In force, Feb. 22, 1839. AN ACT to review and relocate a part of the State road leading from Springfield to Decatur.

Com'rs to  
examine  
route.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Thomas J. Knox, William King, senior, and Gersham Keys be, and they are, hereby, created a board of commissioners for the purpose of examining the various routes proposed for a change in the road leading from Springfield to Decatur as lies between Springfield and the house of Reason Judd.*

Time and  
place of  
meeting.

SEC. 2. Said commissioners, or a majority of them, shall meet in the town of Springfield on the first Monday of April next, or as soon thereafter as may be agreed on by said commissioners, and, after being first duly sworn to perform said

To be sworn.

duties to the best of their skill and abilities, shall then proceed to view all the proposed routes between the points named in the first section of this act; and when a majority of said commissioners shall agree on a route for said road, then said commissioners shall employ a surveyor and other necessary hands, and shall proceed to survey said road, and shall take course and distance from place to place, and continue said survey to the west end of David Hall's farm, on said road; then said commissioners shall make out a complete map of the course and distance of said road, and return the same to the clerk of the county commissioners' court of Sangamon county, who shall enter the same on record in his office.

Map to be  
returned to  
clerk county  
com'rs court,  
Sangamon  
county.

Pay of  
com'rs.

SEC. 3. The county commissioners of said county shall allow said commissioners, and others employed by them, a reasonable compensation, to be paid out of the treasury of said county.

SEC. 4. When said road is thus laid out, the county commissioners shall cause the same to be opened and kept in repair, of sufficient width to admit of a free and easy passage for all kinds of carriages commonly used on such roads.

APPROVED, February 22, 1839.



AN ACT to change a part of a State road therein named.

In force, Feb.  
22, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Harry Boardmen, John Thompson, and Pomeroy Goodrich, be, and they are hereby, appointed commissioners to relocate so much of the State road leading from the Indiana line, northwest, to the State line, as lies between Naperville and Warrenville. Com'rs appointed to relocate road.

SEC. 2. Said commissioners, or a majority of them, shall meet at Naperville, so soon as may be convenient, and, after being duly sworn by some justice of the peace, shall proceed to relocate said road, and, when completed, shall make a report to the county commissioners' court of Cook county; and said court shall cause said road to be opened and kept in repair as other State roads are; and so much of said road as is changed is hereby vacated. Time and place of meeting.

APPROVED, February 22, 1839.

AN ACT dividing the State into judicial circuits.

In force, Feb.  
23, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That from and after the passage of this act, the judicial circuits of this State shall be composed of the counties following:

First circuit.

The counties of Morgan, Cass, Pike, Calhoun, Green, Scott, and Macoupin, shall compose the first circuit.

Fifth.

The counties of Adams, Hancock, Warren, Mercer, Knox, Fulton, Schuyler, Brown, and McDonough, shall compose the fifth circuit.

Sixth.

The counties of Jo Daviess, Stephenson, Boone, Winnebago, Whiteside, Rock Island, and Carroll, shall compose the sixth circuit.

Seventh.

The counties of Cook, Will, Iroquois, McHenry, and Du Page, shall compose the seventh circuit.

Eighth.

The counties of Sangamon, Macon, McLean, Tazewell, Menard, Logan, Dane, and Livingston, shall compose the eighth circuit.

Ninth.

The counties of Peoria, Putnam, Marshall, Kane, De Kalb, Bureau, Henry, Ogle, and La Salle, shall compose the ninth circuit.

SEC. 2. The eighth and ninth circuits are hereby created and established as additional circuits to those heretofore provided for by law. Circuits established.

SEC. 3. There shall be appointed, by joint ballot of both branches of the General Assembly, during the present session, one circuit judge for the ninth circuit, and one circuit judge for the eighth circuit, created by this act, who shall be commissioned by the Governor as circuit judges of this State; and shall hold their offices during good behaviour, who shall be vested with all the powers conferred, and required to perform all the duties imposed upon circuit judges of this State. Judges to be appointed.

Term of office.

Judges assigned to circuits.

2d, 3d, and 4th circuits.

SEC. 4. The judges of the fifth, sixth, and seventh circuits, heretofore appointed and assigned to said circuits, shall preside and hold the courts in the counties of which said circuits are composed, as arranged by this act, and the counties composing the second, third, and fourth circuits, shall remain as heretofore provided by law.

APPROVED, February 23, 1839.

In force, Feb. 26, 1839.

AN ACT to change part of the Philips' ferry road, in Morgan county.

Road changed.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the State road which leads from Philips' ferry, and intersects the road leading from Jacksonville to Carrollton, two and a half miles south of Jacksonville, shall be, and is hereby, changed, and made to pass upon the following ground: Beginning at the southwest corner of the southeast quarter of section thirty-four, in township number fifteen north, range number eleven, west of the third principal meridian; thence, north, on the west line of said quarter section, to the centre line of sections thirty-four, thirty-five, and thirty-six; thence, due east, to the intersection of the present road.*

APPROVED, February 26, 1839.

In force, Feb. 22, 1839.

AN ACT to change the name of the town of Leesburg.

Name of town changed.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the town of Leesburg, in the county of Montgomery, which has been laid off agreeably to law, and a plat thereof recorded pursuant to the statute in such cases, shall be, and the same is hereby, changed to that of Zanesville; by which latter name it shall be known and called in all public records and documents; and in all legal transactions where it shall be necessary to name said town or place, the name of Zanesville shall be used: Provided, however, That the change of the name of said town shall in nowise affect any contracts or conveyances heretofore made or entered into, or any other legal transaction or business whatever.*

Proviso.

SEC. 2. This act to take effect and be in force from and after its passage.

APPROVED, February 22, 1839.

AN ACT to relocate a part of the State road from Calhoun county to Schuyler county. In force, Feb. 22, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joel Meacham, Richard Price, and Isaac Davis, of Pike county, be, and they are hereby, appointed commissioners to review, mark, and relocate, so much of the State road from Calhoun county to Schuyler county, as lies between the residence of Joseph H. Gooding and the bridge north of Pittsfield, on Bay creek; and, also, so much of said road as passes through section twenty-eight, in township four south, range three west, in said county of Pike. Com'rs to re-view road.

SEC. 2. The commissioners aforesaid, or a majority of them, shall meet at the town of Pittsfield, on the first Monday in April next, or within three months thereafter, and, after being duly sworn faithfully and impartially to discharge the duties required of them by this act, shall proceed to review and locate said road, keeping in view the shortness of the route and eligibility of the ground, so as to make the same a permanent road. Time & place of meeting.

SEC. 3. The said commissioners are authorized to employ a surveyor; and when they have completed their work, they shall file a map or plat of said road, giving the courses and proper references, &c., and file the same in the office of the clerk of the commissioners' court in said county. Map to be filed.

SEC. 4. The commissioners' court of said county shall allow the said commissioners and surveyor a reasonable compensation for their services, and shall cause said road to be opened and kept in repair as in other cases. Pay of com'rs.

APPROVED, February 22, 1839.

AN ACT making further provisions for the sale of canal lands.

In force, Feb. 22, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in selecting lands for sale in the execution of the laws authorizing the sale of canal lands, the commissioners shall, so far as may be consistent with the public interest, select those lands on which improvement was made previous to the first day of March, one thousand eight hundred and thirty-five; and in valuing said lands the price shall be fixed without reference to improvements, and as though it had never been occupied or used. The improvements shall also be valued separately; and whatever injury or deterioration of value the land may have sustained, by reason of the occupation or use thereof, shall be deducted from the present value of the improvements, and added to the value of the land; and upon making sale of said land, purchasers shall be required to pay in advance the value of such improvements ascertained, and (after making the deduction Duty of commissioners.



aforesaid,) settled upon the principles aforesaid, in addition to the ten per cent. upon the price of the land; which sum shall be paid to the owner of the improvement in case such owner is not the purchaser thereof.

Injury done to lands.

SEC. 2. When the injury to lands, by reason of the occupation or use of the same, shall be estimated to exceed the value of the improvements, the owner of the improvement shall not be entitled to any compensation therefor.

SEC. 3. It shall not be necessary for the Board of Canal Commissioners to require the service of assessors in ascertaining damages accruing to individuals by reason of the use of land, water, or timber, where said Board can agree with the claimant for such damages.

Lands to be drained.

SEC. 4. In constructing the canal, the commissioners shall, whenever it be found practicable, cause the water to be drained from canal lands subject to inundation, in case they shall be satisfied the value of such land will be enhanced thereby to an amount sufficient to justify the expense of such draining.

Claim of same improvement.

SEC. 5. If in any case two or more persons shall claim to be owners of the same improvement adverse to each other, and the question of right is not decided before a sale of the land on which such improvement is situated, the price paid for the improvement shall be retained until the question is decided; and the Board shall also retain out of the money all costs which may be adjudged against the Board in the settlement of such question.

Per cent. retained from contractors.

SEC. 6. Hereafter, the per centage retained from contractors upon estimates of work done shall not exceed twenty nor be less than ten per cent. upon the amount of the estimate; and this section shall be held and considered as a part of the act, entitled "An act to amend the several laws in relation to the Illinois and Michigan canal," passed at the present session of the General Assembly.

SEC. 7. In cases where one improvement is situated upon two lots of land required to be sold separately, the valuation of the improvements shall be made with reference to the lots of land and the lines dividing the same.

APPROVED, February 22, 1839.

In force, Feb. 22, 1839.

AN ACT concerning the road [from] Warsaw to Quincy.

Com'rs to locate road.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Levi Williams and William Crawford, of Hancock county, and E. P. Wade, of Adams county, be, and they are hereby, appointed commissioners to view, mark, and locate, a State road from Warsaw, in Hancock county, to the town of Lima, in Adams county, on the nearest and best route, doing as little injury to private property as a due regard to the public good will permit.

SEC. 2. Said commissioners, or a majority of them, shall meet at Warsaw on the first Monday in May next, or within three months thereafter, and, after being duly sworn before some justice of the peace faithfully to perform the duties required by this act, shall proceed to lay out said road as provided in the preceding section; and shall designate the route of said road by placing stakes in the prairie, and blazes on the trees in the timber. The said commissioners shall, as soon as the road shall be laid out, make and file a report in the clerks' office of the county commissioners' courts of Hancock and Adams counties.

Time & place  
of meeting.

To be sworn.

Report to be  
filed.

SEC. 3. Said road, when so laid out, and the road as now laid out from the town of Lima by order of the county commissioners' court of Adams county, by way of the bridge now being built on Bear creek, to Quincy, in said county, be, and the same is hereby, declared to be a State road, and shall be opened four poles wide, and kept in repair as other State roads.

SEC. 4. The commissioners appointed by this act shall each receive a compensation for their services, not exceeding two dollars for each day employed in locating said road, to be paid out of the treasuries of Hancock and Adams counties, in proportion to the length of the road laid out by them in each.

Pay of com'rs.

APPROVED, February 22, 1839.

AN ACT to authorize Amzi Doolittle to keep a ferry across the Mississippi river. In force, Feb. 22, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Amzi Doolittle be authorized and licensed to keep, for the term of ten years, a ferry across the Mississippi river, at section two, in township seven north, and in range eight, west of the fourth principal meridian, in the county of Hancock.

Ferry estab-  
lished

SEC. 2. The said Doolittle shall cause said ferry to be furnished with a good light boat or boats, if more than one be necessary, and of sufficient strength and dimensions for the safe and speedy transportation of all passengers, their teams, goods, and chattels; and said boat or boats shall be well furnished with men of sufficient strength and skill to manage them; and, in other respects relating to the management of said ferry, the said Doolittle shall be governed by the provisions of an act, entitled "An act to provide for the establishment of ferries, toll-bridges, and turnpike roads," approved February 12, 1837.

Ferry, how  
furnished.

SEC. 3. The said Doolittle shall be allowed the same rates of ferriage as are now allowed by the county commissioners' court of Hancock county to Edward White, for similar services at his ferry.

Rates of fer-  
riage.

APPROVED, February 22, 1839.



In force, Feb.  
19, 1839.

AN ACT relating to service of process against corporations.

Process  
against, suffi-  
cient service.

Proviso.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in all suits instituted against any incorporated company in this State, a summons, returned, executed on the president thereof, or served by leaving a copy of the summons with the principal clerk, cashier, or secretary, of such company, at his office, within such time, and under such regulations as are or shall be provided by law for the service of such process in suits against natural persons, shall be deemed a sufficient service whereon to ground subsequent proceedings and judgment against such company, in any court of this State having jurisdiction: Provided, That the provisions of this act shall not be construed to interfere with any mode of suing counties, or other corporations specially provided in any statute law of this State.*

APPROVED, February 19, 1839.

In force, Mar.  
2, 1839.

AN ACT to legalize the sub-division of block thirty, in the school section addition to the town of Chicago.

Plat vacated.  
Plat declared  
legal

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the survey and plat of the sub-division of block number thirty, in the school section addition to the town of Chicago, in the county of Cook, as made and recorded at the instance of Russell E. Heacock, be vacated and set aside; and that the sub-division of said block, as made and recorded at the instance of Francis G. Blanchard, be, and the same is hereby, declared to be the legal and proper sub-division of the same.*

Certificate of  
Sec. State.

This bill having remained with the Council of Revision ten days, and the General Assembly being in session, it has become a law, this 2d March, 1839.

A. P. FIELD, *Secretary of State.*

In force, Feb.  
22, 1839.

AN ACT to organize the County of Carroll.

Boundaries  
of Carroll  
county.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all that tract of country contained within the following boundaries, to wit: Beginning at the northwest corner of town twenty-five north, range two, east of the fourth principal meridian; thence, east, on said township line, to the middle of range seven; thence, south, on the section line, to the north boundary of Whiteside county; thence, west, along the north boundary of Whiteside county, to the middle of the channel of the Mississippi river; thence, up the middle of the channel of the Mississippi river, to a*



point opposite the place of beginning; thence, east, to the place of beginning, shall constitute the county of Carroll.

SEC. 2. That, for the purpose of fixing the permanent seat of justice of the said county, it shall be lawful for the legal voters within the above named boundaries to meet, on the second Monday in April next, at the several places of holding elections, and vote for the place where the county seat shall be located, and the place receiving a majority of all the votes given shall be the permanent seat of justice of said county; and if no one place shall have received a majority of all the votes given, then it shall be lawful for the said legal voters to meet, at the several places of holding elections, on the second Monday in July, 1839, and then and there select and vote for one of the two places only heretofore voted for in April having the two highest number of votes where the county seat shall be located; and that place having a majority of all the votes given shall be the permanent seat of justice of said county.

County seat to be established by vote.

SEC. 3. The county seat shall be located on lands belonging to the United States, if a site for said county seat on such lands can be found equally as eligible as upon lands owned by individuals. If such location shall be made upon lands claimed by any individual in said county, or any individual having pre-emption right or title to the same, the claimant or proprietor upon whose lands, claim, or pre-emption right, the said seat of justice may be located, shall make a deed, in fee simple, to any number of acres of said tract, not less than twenty-five, to the said county; or, in lieu thereof, such claimant, owner, or owners, shall donate to the said county at least three thousand five hundred dollars, to be applied to the building of county buildings, in six, twelve, and eighteen months after the locating said county seat. If the town of Savannah, in said county, should receive the majority of all the votes given, the proprietors or owners of said town are hereby required to donate to said new county, for the purpose of erecting public buildings, a sufficient number of lots, in the town of Savannah, for the accommodation of the necessary public buildings, and three thousand five hundred dollars in cash, payable in three equal instalments, say in six, twelve, and eighteen months, from the time the location of said county seat is established.

County buildings.

SEC. 4. An election shall be held on the second Monday in April next, at the different election precincts, for the purpose of electing county officers, who shall hold their offices until the next general election, and until their successors are qualified; which said election shall be conducted, in all respects, agreeably to the provisions of the law regulating elections. Returns of said election shall be made by the judges and clerks to the justices of the peace within said county. Said justices of the peace shall meet at the town of Savannah, within seven days after said election, and proceed to open

Election for county officers.

said returns, and in all things perform the duties required by law of the clerks of county commissioners' courts and justices of the peace in like cases.

Com'rs to  
meet at Sa-  
vannah.

SEC. 5. That the county commissioners shall meet at the town of Savannah, within ten days after their election, and, being first duly sworn, shall proceed to lay off the county into justices' districts, and shall order an election to be held for the purpose of electing additional justices of the peace and constables within said county; shall provide means for raising a county revenue, lay off the county into road districts, appoint supervisors, assess the amount of road labor, and perform such other duties as are required by law: *Provided*, That nothing in this section shall be so construed as to repeal out of office any justice of the peace or constable now entitled and residing within the limits of said new county.

Courts held in  
Savannah.  
Carroll co. to  
form part of  
6th judicial  
circuit.

SEC. 6. The courts of said county shall be held at the town of Savannah, until a suitable preparation can be made of the county seat; said county shall constitute a part of the sixth judicial circuit, and the circuit court shall be held for said county twice a year, at such time as may be fixed by the judge of said district, until otherwise provided by law.

Clks of Car-  
roll and Jo  
Davies to  
compare poll-  
books.

SEC. 7. The qualified voters of the county of Carroll, in all elections except county elections, shall vote with the district to which they belong; and the clerk of the county commissioners' court of said county shall compare the election returns of said county with the clerk of the county of Jo Daviess, and shall make returns of elections to the Secretary of State as is now required by law. The provisions of this section shall be observed until the next apportionment, or until otherwise provided by law.

Part of Ogle  
county.

SEC. 8. The east half of the seventh range lying north of Whiteside county and south of Stephenson county, in towns twenty-three, twenty-four, and twenty-five north, shall be attached to and form a part of Ogle county.

APPROVED, February 22, 1839.

AN ACT to establish the Illinois Asylum for the education of the deaf and dumb.  
In force, Feb. 23, 1839.

Persons creat-  
ed body poli-  
tic.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Thomas Carlin, Daniel G. Whitney, and Thomas Cole, of Adams county, Otway Wilkinson, Samuel D. Lockwood, Joseph Duncan, Dennis Rockwell, William Thomas, Julian M. Sturdevant, George M. Chambers, Samuel M. Prosser, Porter Clay, and Mathew Stacy, of Morgan county, Richard F. Barrett and Samuel H. Treat, of Sangamon county, Cyrus Walker, of McDonough county, Benjamin F. Morris, of Hancock county, William E. Withrow and James McCrosky, of Schuyler county, and Thomas Worthington, of Pike county, be, and they are hereby,



created a body politic and corporate, to be styled and known by the name of "The President and Directors of the Illinois Asylum for the education of the deaf and dumb," and by that name and style to remain and have perpetual succession, with power to sue and be sued, plead and be impleaded, in all courts of law and equity; and they and their successors in office may have and use a common seal, and may change and alter the same at their pleasure; and shall be capable in law, by the name and style aforesaid, of purchasing, holding, and conveying any real and personal estate for the purposes of this incorporation, and for none other: *Provided*, That the individual property of the commissioners shall be bound for the faithful expenditure of all moneys appropriated for the purposes provided for in this act.

Name and style.

Powers.

SEC. 2. The number of directors shall not exceed nine-teen, exclusive of the principal or superintendent of said asylum, who shall, *ex officio*, be a member of the board of directors, and exclusive of the president of the board.

No. of directors.

SEC. 3. The object of said corporation shall be to promote, by all proper and feasible means, the intellectual, moral, and physical culture of that unfortunate portion of the community who, by the mysterious dispensations of Providence, have been born, or by disease become deaf, and, of course, dumb, and by a judicious and well adapted course of education, to reclaim them from their lonely and cheerless condition, restore them to the rank of their species, and fit them for the discharge of the social and domestic duties of life.

Object.

SEC. 4. Said asylum shall be located at any eligible site within four miles of the town of Jacksonville: *Provided*, Said president and directors can obtain a donation of five acres of ground within said limits, suitable for the use of the same.

Location.

SEC. 5. The president and directors aforesaid shall have power, from time to time to prescribe and regulate the course of study to be pursued in said institution; to fix the rate of tuition, room-rent, and other expenses; to appoint instructors, and such other officers and agents as may be needed in managing the concerns of the institution; to define their duties, powers, and employments; to fix their compensation; to displace and remove either of the instructors, officers, or agents; to fill all vacancies among the instructors and agents; to erect necessary buildings and work-shops in which to prosecute the intellectual, moral, and physical instruction of the pupils; to purchase books, maps, charts, and other necessary apparatus for the use of the institution; and to make such by-laws as may, from time to time, be necessary relative to the management of the affairs of the corporation, and the regulation of the persons exercising any of the offices aforesaid, not contrary to law.

Powers.

SEC. 6. The president and directors aforesaid shall faithfully apply the funds of the institution, according to the best of their judgment, in erecting suitable buildings; in compen-



sating the necessary instructors, officers, and agents; in procuring books, maps, charts, and other apparatus necessary in promoting the education of the deaf and dumb children of this State, gratuitously, so far as the funds of the institution will admit; and it shall furthermore be the duty of the said president and directors to present to the Speaker of the Senate and House of Representatives, respectively, at each regular session of the Legislature, within the first week of the session, a statement of the funds and expenses of the institution, and of the number of children received and educated therein, designating the parts of the State whence they have come, and distinguishing between those who have been supported gratuitously, and others.

Guardian of  
deaf and  
dumb person.

SEC. 7. Whenever the parent, guardian, or nearest friend of an indigent deaf and dumb person is desirous to have him or her instructed, application shall be made to two justices of the peace of the county wherein such deaf and dumb person shall reside, who shall certify to the inability of the parent or guardian to pay for his or her board and tuition; which certificate, being produced, shall authorize the directors of the institution aforesaid to receive such deaf and dumb person as a pupil; and each indigent pupil, so received into the institution, shall be provided with board, lodging, and tuition, gratuitously, so far as the funds of the institution will admit.

Auditor to  
pay to pres.&  
directors.

SEC. 8. In order to aid the funds of said asylum, the Auditor of Public Accounts is hereby authorized and required, annually, before making an apportionment and distribution of the interest upon the school, college, and seminary fund among the several counties of the State, to pay over to the said president and directors, out of said interest, a sum not exceeding one quarter per cent. upon the whole amount of said school, college, and seminary fund: *Provided*, That the Legislature may, at any time, repeal the eighth section of this act.

Proviso.

Powers of di-  
rectors.

SEC. 9. The said directors, or a majority of them, when met, shall constitute a board, and shall have power to appoint a president, a vice president, a treasurer, and secretary, (the president and vice president to be selected from their own body) and to prescribe their duties, and fix their term of service: and said president and directors shall have power to fill all vacancies which occur in their own body, by death, resignation, or otherwise.

Power of Le-  
gislation.

SEC. 10. The Legislature shall have power, from time to time, to alter and amend this charter, and to make such changes in the mode of conducting and managing the institution aforesaid, as to them shall seem best calculated to advance the interest of the same, and promote the objects of this incorporation.

SEC. 11. This act shall be deemed and taken as a public act, and shall be in force from and after its passage.

APPROVED, February 23, 1839.

AN ACT to amend an act, entitled "An act to protect the canal lands against trespassers," approved March 4, 1837. In force, Feb. 26, 1939.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That each and every agent elected or appointed under the provisions of an act of the General Assembly, entitled "An act to protect the canal lands against trespassers," approved on the fourth day of March, one thousand eight hundred and thirty-seven, shall be, and they are hereby, discharged from all further duty under the act aforesaid; and, immediately upon the passage of this act, the Board of Canal Commissioners shall appoint one or more agents, not exceeding three, under the provisions of said act, and vest them, jointly and severally, with all the power, and require them to perform all the duties specified in said act, and such other duties as the Board may deem requisite to the protection of the interest of the State and the protection of the public property. Agents discharged.  
Com'rs to appoint agents.

SEC. 2. The agents to be appointed under the provisions of this act shall notify each person residing upon canal lands, or who may cultivate any part thereof, that unless he or she will execute bond as required by the act to which this is an amendment, and agree to comply with the provisions thereof, as amended by this act, that he or she must, within twenty days after such notice given, abandon the occupation or cultivation of the same; and each and every person who shall fail or refuse to abandon the occupation, possession, or cultivation of any canal lands, upon being notified as aforesaid, shall be liable to pay the sum of five dollars for every day which he or she shall continue in the occupation, possession, or cultivation of such lands, after the expiration of the time limited by this notice of the agent; which sum may be recovered in an action of debt or assumpsit, in the name of the State of Illinois, before the circuit court of any county in the State, or any justice of the peace of any county where such person may reside, or be found; and separate actions may be maintained for every day's violation of the law, or actions may be maintained for the penalties incurred by two or more days' violation thereof: *Provided*, That this section shall not apply to improvements upon lots owned by the State adjoining Ottawa, or to any lots situated within the limits of any town or village laid off by the Canal Commissioners. Duty of agents  
Proviso.

SEC. 3. Persons who have or may execute bonds to the State, under the provisions of this and the act to which this is an amendment, shall be permitted, in all cases, to remove the crops growing upon lands occupied or cultivated at the time of the sale thereof by the State; and the same privilege is extended to those who remove from land without having executed such bond. Crops may be removed.



Agents may  
sell wood, &c.

SEC. 4. The agents appointed under the provisions of this act may, under the direction of the Board of Canal Commissioners, sell wood or timber lying upon the ground on canal lands; but no tree standing or growing upon said land shall be sold, under any pretence whatever.

Persons re-  
moving stone  
liable.

SEC. 5. If any person shall, without authority of law, quarry and remove from any canal lands any rock or stone, or shall remove from said lands any rock or stone already quarried, or if any person shall use any rock or stone taken from canal lands, each and every such person shall be liable to pay at the rate of five dollars for each perch of such stone, to be recovered, by action in favor of the State, under the provisions of the act to which this is an amendment, as though such rock or stone had been embraced in said act.

Agents may  
be removed.

SEC. 6. Agents appointed under this act shall be subject to be displaced at any time by the Board of Canal Commissioners, and shall be bound to perform any service required by the Board, as well as the duties specially pointed out by law; and the Board shall have power to appoint others in the place of those displaced, and keep agents in service so long, and at such times, as in their judgment the interest of the State may demand; and the agents shall be paid by the Board a reasonable sum, which shall not exceed four dollars per day.

Money, how  
accounted for.

SEC. 7. Money collected by the agents under the provisions of this act shall be accounted for to the Board of Canal Commissioners, and shall compose a part of the canal funds.

SEC. 8. The agents may, under the direction of the Board of Canal Commissioners, include any quantity of land in permits; and the persons to whom permits are given shall have all the rights that are granted by permits under the provisions of the act to which this is an amendment; and the obligations of such persons upon the bond shall extend to the whole land included in the permit; and permits may be given to persons who do not reside on or cultivate canal lands.

Stone quarries  
may be open-  
ed.

SEC. 9. Said agents may, also, under the direction of the Board of Canal Commissioners, authorize the opening of stone quarries and banks of stone, coal, or either, upon such terms as may be deemed reasonable, or shall be agreed on; and contracts made in relation to the use of such stone and coal shall be in the name of the State of Illinois, and shall be valid to all intents and purposes.

Persons fail-  
ing to deliver  
premises.

SEC. 10. If any person, to whom a permit has been or may be given to occupy or cultivate canal lands, shall fail to deliver possession of the premises to the purchaser thereof, within sixty days after being requested to deliver and surrender the same, such person shall be liable to pay to the purchaser five dollars for every day of retaining such possession after the expiration of the said term of sixty days; which may be recovered, by action of debt or assumpsit, before any court or justice of the peace having jurisdiction of the amount claimed: *Provided, however,* That crops growing or standing

Proviso.



upon land shall, in all cases, be removed by the owner thereof, at the season of the year when such crops are usually taken from lands.

SEC. 11. If, at any time, a judgment shall be obtained upon the bond of any person to whom a permit has been or may be given to occupy or cultivate canal lands, such judgment shall operate as a forfeiture of all rights granted by the permit; and thereupon such person may be proceeded against as though no permit had been given. Judgment on bond.

APPROVED, February 26, 1839.

AN ACT to define the manner of proceeding in petitioning the General Assembly for locating or altering State roads. In force, Feb. 27, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That from and after the passage of this act, when any of the citizens of this State shall deem the establishment or relocation of any State road to be of public utility, they, or some two of them, shall give four weeks' public notice, by at least four written notices posted up in the most public place in each county in which the proposed location, change, or alteration, is about to take place, that they will petition the next session of the Legislature to establish or relocate such road; in which notice a particular description of the road shall be set forth. Public notice of petition.

SEC. 2. That at least fifty householders and citizens of the county or counties through which said road shall pass are necessary to sign the petition; and before the petition shall be presented to the Legislature, the persons giving said notice, or other creditable persons, shall make affidavit of such advertisements having been made as required by this act, before the clerk of the court of any county through which the road may pass; a certificate of which shall be given by the clerk, and accompany the petition. Number to sign petition.

SEC. 3. That after the passage of this act no State road shall be established, or relocated, except upon the petition of a portion of the citizens of the county in which the same is to be established or relocated, according to the provisions of this act.

SEC. 4. That the clerks of the county commissioners' courts shall, severally, issue the certificates aforesaid, upon oath being made by any credible persons that said notices were given according to the provisions of this act. Duty of county clerk.

APPROVED, February 27, 1839.

In force, Feb.  
23, 1839.

AN ACT to provide for a loan for canal purposes.

Additional  
sum may be  
borrowed, not  
over \$4,000,-  
000.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to the loans heretofore authorized to be made for the purpose of aiding in the construction of the Illinois and Michigan canal, there shall be borrowed, for the purpose aforesaid, a sum not exceeding four millions of dollars, for a term not exceeding fifty years, and at a rate of interest not exceeding six per cent. per annum, payable yearly; the payment of interest and reimbursement of principal to be made at such place, within or without the United States, and in such currency, as may be agreed on.

Gov. to execute bonds.

SEC. 2. The Governor of the State is authorized and required to execute bonds for and in behalf of the State, for any sum or sums of money which may be borrowed under the provisions of this act, in the English or any foreign language, stipulating for the payment of the interest and principal, within or without the United States; in such currency as may be agreed on by the contracting parties; which bonds shall be signed by the Governor, countersigned by the Auditor of Public Accounts, and the impress of the great seal of State shall be affixed thereon by the Secretary of State.

Bonds, how signed.

SEC. 3. The State doth hereby agree and irrevocably pledge its faith to provide sufficient resources and means with which to pay the interest accruing upon said bonds as it becomes due and payable, and to reimburse the principal when the same becomes due; and doth hereby irrevocably pledge, as security for this purpose, all the lands heretofore granted or which may hereafter be granted to the State of Illinois by the United States to aid the State in the construction of said canal; and the said canal with all its appurtenances, and the revenue arising from the use of said canal, and every branch or part thereof, subject to the liens heretofore created upon the lands, canal, and revenues aforesaid, as well as all premiums which may be obtained from the sale of bonds and certificates of stock created by this act; and the rents, issues, and profits, which may in anywise accrue to the State from the lands and premises herein pledged, as well as from water-privileges upon the line of the canal.

Name of bonds.

SEC. 4. It shall be deemed a good execution of the power to borrow to sell the bonds herein authorized to be made; and the said bonds shall be so framed as that they shall be in form and substance certificates of stock, and shall be called the "Illinois and Michigan Canal Stock."

Agent to sell.

SEC. 5. When bonds shall have been executed as required by this act, the Governor is authorized to constitute and appoint a suitable agent or agents to sell and transfer the same, and vest the said agent or agents with full power to take all proper means and measures for the sale and transfer of said bonds.

SEC. 6. All money obtained under the provisions of this act shall be kept and used according to the provisions of the law now in force in relation to the canal fund.

SEC. 7. The right is reserved to the State to sell any of the lands pledged by this act, and the proceeds of sales to be applied exclusively to the payment of interest upon canal loans, or to expenses of constructing the canal.

SEC. 8. No bonds shall be sold under the provisions of this act for less than their par value. No bonds to be sold for less than par.

SEC. 9. In contracting for loans under the provisions of this act, provision shall be made for the reception of the money by the State in sums of one hundred thousand dollars, as the same may be wanting for expenditure upon the canal.

APPROVED, February 23, 1839.

AN ACT to authorize L. D. Hillerman to build a mill-dam across the Little Wabash river, in Clay county. In force, Feb. 23, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Lorenzo Dow Hillerman be, and he is hereby, authorized to build and continue a mill-dam across the Little Wabash river, on the southwest quarter of section number twelve, in township number two north, of range eight, east of the third principal meridian, in Clay county. Mill-dam. across Little Wabash.

SEC. 2. The said dam shall not exceed eight feet in height from the bed of the stream, and shall be constructed with a down-stream slope, with a base of at least two horizontal to each perpendicular foot; and shall be well and sufficiently planked and kept in repair so as to allow of the safe passage of the descending navigation on the said river. Height of dam

SEC. 3. The State hereby reserves the right of constructing a lock, chute, sluice, or other device, for the transit of the trade on the river, over, around, or near the site of the said dam, whenever it may be deemed advisable by the Legislature for the improvement of the navigation of said river, without any charge or cost to the State for the right of way, by the said Hillerman, his successors or assigns. Right of State to build lock.

APPROVED, February 23, 1839.



In force, Feb. 23, 1839. AN ACT to relocate a part of the Vincennes and Chicago State road via Russellville, and to declare a certain road therein named a State road.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That J. B. Shaw of Lawrence county, James H. Wilson and William Magil of Crawford county, be, and they are hereby, appointed commissioners to view, survey, mark, and relocate, (via Russellville,) so much of the Vincennes and Chicago State road as lies between Gibson's ferry, at Vincennes, and John Foxe's, in Crawford county.*

**SEC. 2.** Said commissioners, or a majority of them, shall meet on or before the first day of September next, and, after being duly sworn, shall commence at Gibson's ferry, opposite Vincennes, and from that point proceed to perform the duties required of them by the provisions of the first section of this act; and shall file with the clerk of the county commissioners' courts of Lawrence and Crawford counties a report and map of said road; which report and map shall be filed and preserved, and shall form a part of the record of said courts; and the roads, when located as above described, shall be opened four poles wide, and kept in repair as other State roads are required to be.

**SEC. 3.** The commissioners hereby appointed, the surveyor, chain-carriers, and marker, necessarily employed by them, shall each receive for their services a reasonable compensation; which shall be paid out of the county treasuries of the counties of Lawrence and Crawford equally.

**SEC. 4.** So much of the present Vincennes and Chicago State road as lies between Vincennes and John Foxe's, in Crawford county, is hereby declared a State road; and the county commissioners of Lawrence and Crawford counties are hereby required to cause the same to be kept open and in repair as other State roads are.

APPROVED, February 23, 1839.

In force, Feb. 27, 1839. AN ACT to create the county of Lee from the county of Ogle.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all that part of Ogle county lying south of a line beginning on the western boundary of Ogle county, at the northwest corner of section eighteen, in township twenty-two north, of range eight, east of the fourth principal meridian; thence, on the section line between sections numbered seven and eighteen, in said township, east, to the main channel of Rock river; thence, up the centre of the main channel of Rock river, to the section line between sections twelve and thirteen, in township twenty-two, north, of range nine, east of the fourth principal meridian; thence, east, with the last mentioned section line, to the northeast corner of section seventeen, in township twenty-two north, of range ten, east of the fourth principal meridian; thence, south, to the southeast corner of the last mentioned section;*

and thence, east, with the section lines, to the eastern boundary of the county, shall constitute the county of Lee.

SEC. 2. That Lorin G. Butler of Cook county, E. H. Nichols, of Whiteside county, and D. G. Salsbury of the county of Bureau, be, and they are hereby, appointed commissioners to locate the seat of justice for said county of Lee; and said commissioners, or a majority of them, shall meet at the town of Dixon, on the first Monday in May next, or as soon thereafter as may be, and, after being duly qualified before some justice of the peace faithfully to perform the duties required of them by this act, shall proceed to locate and establish the permanent seat of justice of said county of Lee, having due regard to the settlements and the convenience of the present and future population of said county; and when so located shall be and remain the permanent seat of justice.

Com'rs to locate co. seat.

SEC. 3. If said seat of justice shall be located on lands which have been laid off into town lots, the owners or proprietors of the same shall donate and convey unto the county commissioners of said county of Lee, and their successors in office, for the use and benefit of said county, necessary land on which to erect public buildings, which shall be erected thereon; and shall enter into bonds, with approved security, to the county commissioners, and their successors in office, for the use and benefit of said county, to pay the sum of three thousand five hundred dollars, in three equal instalments, one-third in three months, one-third in nine months, and the remaining third in fifteen months, from the time of said location. And if the county seat shall be located on lands claimed by any individual, not laid off into town lots, the owner or proprietor shall donate unto the county, as aforesaid, at least twenty acres of land, on which public buildings shall be erected, or enter into bonds to the county commissioners in such sums and conditions as is required if the same shall be located on lands laid off into town lots. And all money accruing from the sale of any lands which may be donated to said county, or may be received on said bonds, shall be appropriated to the erection of a suitable court house and jail. And, until public buildings are erected, the several courts of the counties of Ogle and Lee shall be held at such place, in their respective county seats, as the county commissioners shall direct.

If co. seat located on land laid off.  
Donations.

No. of acres to be donated.

Court house and jail.

SEC. 4. The citizens of the county hereby created are entitled, in all respects, to the same rights and privileges as are allowed in general to other counties in this State.

Rights and privileges of citizens.

SEC. 5. It shall be the duty of the clerk of the county commissioners' court of Ogle county to order an election to be held in the several precincts in the county of Lee; which order shall be directed to the judges of election in the several precincts in said county of Lee established by the county commissioners' court of Ogle county, to be held at the several places of holding elections in the several precincts, for the

Duty of clerk of Ogle co.



Election for  
co. officers.

election of county officers for the county of Lee; which election shall be held on the first Monday in August next, and shall be conducted in all respects agreeably to the provisions of the law regulating elections.

Duty of judges  
of election.

SEC. 6. It shall be the duty of the judges of the election so ordered to make returns thereof to the clerk of the county commissioners' court of Ogle county, who shall, together with two justices of the peace, proceed to canvass all the votes taken in the county of Lee, and shall deliver their certificate to each officer so elected; and shall also deliver to the clerk of Lee county, so soon as he shall have been qualified, all the poll-books of said election, whose duty it shall be to forward an abstract to the Secretary of State, in such manner and form as is required in other counties in this State. The county of Lee, hereby created, shall continue to form a part of the county of Ogle until after said election, as is above provided; and the county commissioners so elected shall be qualified.

Poll-books to  
be delivered  
to clerk Lee  
county.  
Abstract to  
Sec'y State.

Time & place  
of meeting of  
co. com'rs.

SEC. 7. The county commissioners elected under this act shall meet at the town of Dixon, within five days after receiving certificates of election, and shall qualify by delivering the proper oath of office to each other; and shall require their clerk, so elected, to enter into bond and take the oath of office as is required by law. It shall then be the duty of said clerk to ascertain, by lot, the term each of said commissioners shall serve, according to the provisions of an act, entitled "An act to amend an act, entitled 'An act establishing courts of county commissioners,'" passed March 22, 1819.

Term of office.

SEC. 8. The county of Lee hereby created shall vote with Jo Daviess county for Senators and Representatives until the next apportionment.

Pay of com'rs  
to locate co.  
seat.

SEC. 9. The commissioners appointed by this act to locate the seat of justice in the county of Lee shall receive two dollars per day for each and every day necessarily spent in discharging the duties thereof, to be paid out of the county treasury.

APPROVED, February 27, 1839.

In force, Feb.  
26, 1839.

AN ACT to relocate part of a certain State road therein named.

Com'rs to  
locate road.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That John McFatridge, of Johnson county, Josiah Blackman and James G. Hutchinson, of Gallatin county, are hereby appointed to review and relocate that part of the State road leading from Equality to Vienna as lies between William G. Hutchinson's and Vienna.*

Time & place  
of meeting.

SEC. 2. Said commissioners, or a majority of them, shall meet at the house of William G. Hutchinson, on the first Monday in June next, or within six months thereafter, and, after being sworn by some justice of the peace or qualified



officer, faithfully and impartially to perform the duties required of them by this act, shall proceed to review, survey, mark, and relocate said road, commencing at or near the house of William G. Hutchinson; thence on the best route, to or near the house of Josiah Blackman; thence to or near the house of Hall Whitakers; thence to James Leslie's; and thence, on the nearest and best route, to Vienna, in Johnson county. They shall report the same, giving a plat, distances, and courses, to the commissioners' courts of each county through which said road shall pass.

SEC. 3. Said road shall be four poles wide, and shall be opened, worked, and kept in repair as other State roads are. Plat and survey to be filed with clerk

SEC. 4. Said commissioners shall be allowed the sum of two dollars per day, for the time necessarily employed in relocating said road, to be paid out of the county treasuries through which said road shall pass; and also a reasonable allowance to the surveyor and chain-carriers, or hands, that may be employed by them for laying out said road.

SEC. 5. The said road, when so laid out, shall be opened by order of said commissioners' court, without delay, and kept in repair: *Provided*, That the said road, when so laid out as aforesaid, shall in nowise be construed as to authorize the location of the old road leading from the said Hutchinson's to the town of Vienna, unless upon the petition of a majority of the persons residing in the neighborhood of said road. Trustees of Pekin may improve road. Proviso.

APPROVED, February 26, 1839.

AN ACT providing for the improvement of certain roads in Edgar county. In force, Feb. 26, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That it is hereby made the duty of the county commissioners' court of Edgar county to have one hundred dollars, out of the avails of the appropriations made to said county out of the sales of the Gallatin saline lands, approved January 16, 1836, expended on the road leading from Paris to the State line, in a direction to Terre Haute; one hundred dollars expended on the road leading from Arthur Foster's to Grand View; and the remaining one hundred dollars, to wit, fifty dollars on the road leading from Bloomfield to the State line, in a direction to Montezuma, and fifty dollars on the road leading from Bloomfield to the State line, in a direction to Clinton, if there be a road in that direction; if not, then said fifty dollars to be expended on the Chicago road, between Paris and the county line dividing the counties of Edgar and Vermilion. Duty of commissioners of Edgar county. Road from Paris.

SEC. 2. Said county commissioners are authorized to appoint some responsible individual to take in charge each appropriation, for the purpose of economically expending the same, so soon as the same may become available. Agent to take charge of appropriations.

Compensation.

SEC. 3. The county commissioners' court is further authorized to allow the individuals appointed to superintend the expenditures embraced in the first section of this act, a reasonable compensation for their services, out of the respective appropriations.

SEC. 4. This act to take effect [from and after its] passage.

APPROVED, February 26, 1839.

In force, Feb.  
26, 1839.

AN ACT to locate a certain road therein named.

Com'rs to locate road.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John O. Hyde, David Mark, David Alexander, Spencer Field, and Richard H. Snell, be, and they are hereby, appointed commissioners to view and locate a road, commencing at the west bank of the Illinois river, in the county of Peoria, and some point opposite the town of Pekin, in the county of Tazewell, at low-water mark; running from thence, in a westerly direction, to the now travelled road leading from the town of Peoria, in Peoria county, to Canton, in Fulton county, along the Illinois bottom.

Time and place of meeting.

SEC. 2. Said commissioners, or a majority of them, shall meet at the town of Pekin, on or before the first Monday of September next, and, after being first duly sworn before some justice of the peace faithfully to perform the duties required of them by this act, shall proceed to view and locate said road on the nearest and best possible route, taking into consideration the public convenience and economy, so as to make the same a permanent road.

Plat and survey to be filed with clerk.

SEC. 3. When the commissioners aforesaid shall have located said road, they shall cause a plat and survey of said road to be filed in the office of the clerk of the county commissioners' court of the county of Peoria, and the road so located is hereby declared a public State road, and shall be opened one hundred feet wide and kept in repair as other State roads are.

Trustees of Pekin may improve road.

SEC. 4. That the president and trustees of the town of Pekin may, and they are hereby authorized to expend any sum or sums of money they think proper on said road, for the purpose of opening, improving, and keeping the same in repair, under their own supervision, or under the superintendence of any agent they may appoint for that purpose: *Provided*, Nothing in this act shall be so construed as to give to the president and trustees of the town of Pekin any jurisdiction over the said road when laid out, other than the right to expend any amount of money on the same, in opening and improving it, that they may think proper to appropriate for that purpose.

Proviso.

APPROVED, February 26, 1839.

AN ACT to authorize St. Clair county to establish a ferry across the Mississippi river. In force, Mar. 2, 1839.

WHEREAS there exist great commerce and trade between the people of this State and the city of St. Louis, and as there is at all times, and particularly in the fall season of the year, an immense travel to the State of Missouri, and as this immense commerce and trade has to cross the Mississippi river at St. Louis by means of one ferry, in consequence of which the business is so great at said ferry that it is inconvenient and injurious to the people of this State in the necessary transaction of their business, inasmuch as they frequently are detained several hours in waiting to cross: *And whereas* the present company owning said ferry are citizens of St. Louis, and, having no competition, said ferry has become a complete monopoly in the hands of non-residents, to the great injury of the people of this State: Therefore,

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William G. Brown, John D. Hughes, James Anderson, William Penn, and Charles Sergeant, of St Clair county, be, and they are hereby, appointed commissioners and are required, after having taken an oath faithfully to execute and discharge the duties imposed on them by this act, to examine the ground and locate a road and ferry landing between Cahokia creek and the Mississippi river, opposite St. Louis; and said road and ferry landing shall be located three hundred feet wide, on the most eligible ground for said purpose, doing as little damage as possible to any buildings or improvements on said ground; and said road and ferry landing, when so located, and the report of said commissioners filed in the office of the clerk of the county commissioners' court of St. Clair county, shall be and remain a public highway forever.

Com'rs to locate road and ferry.

Report to be filed.

SEC. 2. The county commissioners' court of said county of St. Clair be, and the same are hereby, authorized and empowered to cause said land on which said road and ferry landing shall have been so located according to law, to be condemned, and to pay to the legal owner or owners of said land the damages thereby sustained by said owner or owners; and after said land is so condemned, and the damages paid out of the funds of said county, the said county commissioners' court shall have power, by their agents or otherwise, to enter upon said land, so condemned, and establish a ferry across the Mississippi river: and said county commissioners' court may either carry on said ferry for the county itself, or it may lease the same, for any term not exceeding five years at any one time, to any person or persons, or corporations, on such terms as said court may deem reasonable, they, the said court, having, as in other cases, the power to regulate the tolls of said ferry: *Provided,* That the county of St. Clair shall cause to be paid into the State treasury, at the end of each year, thirty per cent. on

Co. com'rs' duty.

Damages sustained.

Ferry across the Mississippi river.

Ferry may be leased.

Tax paid to State Treasury.



Forfeiture of  
rights.

Appraisement  
of damages.

Appeal.

all the profits arising from said ferry established under this act, after deducting the expenses for carrying on and conducting the same; and every omission of said county faithfully and punctually to pay over said thirty per cent. of such profits shall work a complete forfeiture of all the rights herein vested; and the State shall have power to resume and take possession of the same as by due course of law in similar cases.

SEC. 3. That for the purpose of compensating the legal owner or owners for the land thus appropriated for public use, it shall be the duty of the commissioners' court of St. Clair county to cause the sheriff of said county to summon twelve good and lawful men, who shall be of kin to neither of the legal owners of said land, who, being by said sheriff duly sworn to inquire of the damages, shall, in view of the land, certify the amount of damages which such owner or owners may sustain by reason of the location of the road and ferry landing as aforesaid; which certificate or verdict shall be signed by said jury, and shall be filed in the office of the clerk of the county commissioners' court aforesaid. The said certificate or verdict shall contain the metes and bounds of the land taken and appropriated for the road and landing as aforesaid; and if either the owners of said land, or the county commissioners of said county of St. Clair, shall be dissatisfied with such assessment of the value of the land found by the jury as aforesaid, either of them may appeal to the circuit court of the county of St. Clair; and, upon notice to the said sheriff of such intention to make such appeal, he shall forthwith file, in the office of the clerk of the circuit court of said county, all the proceedings had before him in such assessment; and, thereupon, the said court shall, at its first term thereafter, proceed to make a new assessment by a jury in a summary manner, adopting such proceedings as shall be necessary therefor; which shall be final and conclusive between the parties.

APPROVED, March 2, 1839.

In force, Feb.  
23, 1839.

AN ACT to vacate the town plat of the town of Auburn.

Plat of town  
vacated.  
Proviso.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Edwin L. Case, the proprietor of the town of Auburn, situate in township number twenty-four north, range three, west of the third principal meridian, in the county of Tazewell, be, and he is hereby, authorized to vacate the survey and plat of said town of Auburn: Provided, That said Edwin L. Case shall be the owner of the entire plat of said town, and shall make out such vacation in writing; which shall be acknowledged before some justice of the peace, and recorded in the recorder's office in said county.*

APPROVED, February 23, 1839.

AN ACT to amend the several laws in relation to the Illinois and Michigan canal. In force, Feb. 26, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sales of canal lands and town lots, heretofore authorized by law, shall be regulated as follows: The terms of sale shall be, that each purchaser shall pay, at the time of sale, ten per cent. on the amount of the purchase, and shall be bound to pay an interest of six per cent. per annum, upon the balance, at the end of every year, for twenty years; at which time the principal shall be paid. The lands and lots heretofore valued shall be revalued, before being offered for sale under the provisions of this act; and if the sales of lands selected for sale under the provisions of the act, entitled "An act to provide for the sale of certain canal lands and for other purposes," approved on the twenty-first day of July, one thousand eight hundred and thirty-seven, shall not amount to four hundred thousand dollars, within three months from the termination of the last public sale thereof, the commissioners are authorized to select other lots of land, under the provisions of said act, and, after valuing them as required by law, offer them for sale upon the terms herein provided, and continue to make selections, valuations, and sales, after the expiration of three months from the termination of the last sale, until the sales shall amount to the aforesaid sum of four hundred thousand dollars. •

*Sale of lots regulated.*  
*Terms of sale.*  
*Interest yearly for twenty years.*  
*Other lots may be sold.*  
*Sales to continue till \$400,000 shall have been raised.*

SEC. 2. In all sales of lands and lots under the provisions of this act, the following conditions shall be annexed, and shall compose part of the contract:

*Conditions of sales.*

1. That the purchaser will not appropriate or use the lot or land so as to reduce its value by means of the use thereof. *First.*

2. That, on failure to make payment of interest and principal, according to the terms of sale, all rights acquired by the purchase, and the money paid, shall be forfeited to the State. *Second.*

3. That payments upon purchases shall be made at Chicago, Ottawa, or Lockport, as may be provided by law, to the person or persons who may be authorized to receive the same. *Third.*

4. That timber upon land purchased shall not be sold, except upon being converted by the owner of the land into furniture or machinery, and shall be used only, with this exception, for ordinary farming or agricultural purposes, upon the land of the purchaser. *Fourth.*

5. That a violation of any one of the conditions of sale shall work a forfeiture of all rights acquired by the purchaser. *Fifth.*

6. That a lien shall exist in favor of the State, as well upon all improvements, buildings, and machinery, which may be made or placed upon lands or lots, for the payment of the purchase money and interest, as upon the said lands or lots. *Sixth.*

7. That in case of forfeiture of any lot or land for non-payment of interest or principal of purchase money, or for any violation of the conditions of sale, the purchaser shall



be liable to pay the difference between the price for which the land may be subsequently sold and the price agreed to be paid by such purchaser: *Provided*, That such difference shall have been occasioned by any act of the purchaser, or shall be a consequence resulting from improper use of the premises, or any part thereof.

Eighth.

8. That no buildings or fixtures shall be removed from any lot or land sold under the provisions of this act, without the consent of the Board or State.

Ninth.

9. That no stream of water passing through the canal lands shall pass, by the sale, so as to deprive the State from the use of such water, if necessary to supply the canal, without charge for the same.

Tenth.

10. That the State, the Board of Canal Commissioners, the agents of each, and all contractors acting under the authority of the Board or State, shall have a right of way over and upon said land in the construction and use of the canal, free from charge: *Provided*, That purchasers or owners may select the ground on which roads for the uses aforesaid shall pass, if there be no road at the time of purchase.

Eleventh.

11. Lands situated upon streams which have been meandered by the surveys of public lands by the United States shall be considered as bounded by the lines of those surveys, and not by the streams.

Twelfth.

12. Lands sold under the provisions of this act, and all improvements made thereon, shall be subject to taxation from the date of sale, according to the laws of the State which may be enacted with reference to other estate; the taxes to be assessed and collected under and according to the revenue laws of the State. Upon the terms and conditions specified in this act, the Board shall execute the laws heretofore enacted authorizing sales of canal lots and lands, notwithstanding the time limited for those sales may have expired.

Certificate of purchase.

SEC. 3. Purchasers of canal lots and lands shall be entitled to certificates of purchase from the Treasurer of the Board, upon making the first payment of the purchase money, which shall contain a description of the lot or land purchased, and specify the terms of sale, and the condition upon which purchasers will be entitled to patents; which certificate shall be surrendered to the Board when full payment of the purchase money is made; and purchasers shall, upon such surrender, be entitled to final certificates, which are required to be given by the thirty-seventh section of the act, entitled "An act for the construction of the Illinois and Michigan canal," approved on the ninth day of January, one thousand eight hundred and thirty-six; and such final certificates may be given to assignees or transferees, upon making proof of assignments and transfers, as required by the act, entitled "An act in relation to the title of school and canal lands," approved sixteenth of January, one thousand eight hundred and thirty-seven; and patents shall issue upon all final certificates

Assignments and transfers.



to purchasers, their heirs or assigns, as required by the above recited acts; and purchasers of lots and lands heretofore sold shall be entitled to certificates under the provisions of this section.

SEC. 4. Certificates of the purchase of canal lots and lands shall be evidence of title in the purchaser, his, her, or their heirs or assigns, except as against the State or a patent. Certificates evidence of title.

SEC. 5. The authority conferred upon the Board of Commissioners of the Illinois and Michigan canal, to make rules and regulations from time to time in respect to persons employed about the canal, shall extend to authorize the Board to require each contractor to furnish to the Board, quarterly or monthly, satisfactory evidence, by the oath of one or more persons or otherwise, that the persons employed have been paid for their services to the date of the previous payment; and, in default of furnishing said evidence, to withhold payment upon estimates until the same is furnished, but the amount withheld not to exceed the sum which may appear to be due for services as aforesaid. Powers of Com'rs extended.

SEC. 6. In case any person employed by contractors upon the canal shall obtain a judgment against the contractor for services rendered upon the canal, and the contractor shall not, within twenty days, pay such judgment, the Board is hereby authorized to pay the same; and such payment shall be a valid set-off against any claim of the contractor upon his contract, or for any services rendered the Board or the State: Judgment against contractor. Board may pay judgment.  
*Provided*, That no judgment shall be paid from which an appeal may be prosecuted, until the decision of the case in the appellate court. Proviso.

SEC. 7. In making payments to contractors, the Board is authorized to deliver checks upon the bank in which the canal fund shall be deposited, in such amounts as may suit the convenience of the contractor; the checks shall be signed by the President of the Board, countersigned by the acting Commissioner, and made payable to the order of the Treasurer; and, upon making payments, the Treasurer shall take duplicate receipts containing a descriptive list of the checks delivered, one of which shall be filed with the Secretary of the Board, and the other retained by the Treasurer; and the Secretary shall make weekly reports to the bank of the delivery of such checks, giving in such report a description thereof. Checks on bank, how signed. To whom payable. Duplicate receipts.

SEC. 8. The checks, being signed by the President and acting Commissioner, shall remain in possession of the Secretary under the direction of the Board, and shall be delivered to the Treasurer when required for use, who shall execute a receipt to the Secretary, containing a descriptive list of the checks delivered; but no check shall be delivered to the Treasurer except upon the requisition of the acting Commissioner or President of the Board. Checks to remain with Secretary.

SEC. 9. At the end of every month, or oftener, if deemed necessary, the Board shall examine and settle the accounts of Treasurer's accounts.

Bank ac-  
counts.

the Treasurer, and make entries on the books of the Secretary, showing the true state of the accounts; and the acting Commissioner shall settle the accounts with the bank in which the canal fund may be deposited every three months; upon which settlement the bank shall be entitled to credit for the amount of checks returned to the said Commissioner; which checks, when returned by the bank, shall be delivered to the Secretary of the Board, and may be again used by the Treasurer in making payments, upon the terms and in the manner required in the first instance; and no money shall be drawn from the bank except upon checks executed and delivered as required by this act: *Provided*, That no check shall be made under the provisions of this act upon any bank out of this State.

Proviso.

Estimates of  
work.

SEC. 10. In making estimates of the amount and value of work executed upon contracts, regard shall be had, in fixing the price or value, as well to the work to be performed as that executed; and the price shall bear a rateable proportion to each; and the amount to be retained from contractors, as security for their performance, shall have relation to the amount and value of work to be performed as well as to that executed; and in all cases of payments upon estimates, the amount retained shall be graduated and reduced in the proportions following: At every alternate estimate, one-half of the amount retained at the previous estimate shall be paid, until the contract shall be more than half completed; after which time the first payment shall include one-half of the whole amount retained upon previous estimates; and, at every alternate estimate thereafter, three-fourths of the amount retained at the previous estimate may be paid, until the completion of the contract.

Half of esti-  
mate, when  
paid.

New meas-  
urement may  
be granted.

Conditions.

SEC. 11. Contractors who feel themselves aggrieved by the estimates or measurements of engineers, may apply to the Board to order a new measurement, and such application shall be granted upon condition that, in case the second estimate does not exceed the first, the contractor shall pay the cost of making the second estimate; and in such case the measurement shall be made by a different engineer from the one who made the first.

Provisions,  
&c.

SEC. 12. In order to afford facilities to contractors, the Canal Commissioners may purchase, and keep on hand for their use, provisions, powder, tools, iron and steel, upon the plan heretofore adapted, and deliver such articles in payment of estimates at the cost thereof.

SEC. 13. When contracts have been or may be forfeited or abandoned by contractors, the Canal Commissioners may, in accordance with the practice, make new contracts without advertising for proposals, provided the price does not exceed the estimates of the engineer.

Lots may be  
sold at va lua  
tion.

SEC. 14. Town lots and land valued and offered for sale by the Board of Canal Commissioners, and not sold at public auction, may be purchased at their valuation, at any time with-



in three months after being offered at public sale; the sale to be made by the Secretary of the Board, and the Treasurer to give a certificate of purchase, upon receiving a certificate of the deposit of the amount of the purchase money in one of the banks in this State; but no one person or company shall be permitted to purchase, at private sale, more than three lots, nor more than three hundred and twenty acres of land; nor shall any such sale be made except to persons who intend, *bona fide*, to improve and occupy the lot or land purchased; and every purchaser, before being permitted to purchase at private sale, shall make and file with the Secretary of the Board an affidavit, in the words following: "I, A. B., do swear (or affirm, as the case may be) that I desire to purchase the (here insert the description of the lot or land) for the purpose of improving and occupying the same *bona fide*; that the purchase is not for the use of nor in trust for any person or persons whateve, except for myself."

Certificate of purchase.

Purchaser to file affidavit. Form.

SEC. 15. The Board of Canal Commissioners shall proceed to the construction of the canal diverging from the main trunk of the Illinois and Michigan canal, through the Saganaskee swamp and Grassy lake, to intersect the Calumet river at the most practicable point, the survey of which was authorized by the fourth section of the act, entitled "An act to amend the act, entitled 'An act for the construction of the Illinois and Michigan canal, approved January 9, 1836,'" approved March 2, 1837, whenever they shall be notified that the State of Indiana has commenced the construction of a corresponding work to connect her system of internal improvements with the Illinois and Michigan canal; and the cost of such construction shall be paid out of the canal funds. In forming a junction with the Illinois and Michigan canal, and at the Calumet river, and in the location throughout, the Board shall adopt the most natural connection and route, keeping in view the shortest, best, and cheapest route, and the interest of the State in lands and otherwise. The said canal shall be deemed and considered as part and parcel of the Illinois and Michigan canal, and the laws and regulations adopted with reference to the construction thereof, the duties of Canal Commissioners, the making and executing contracts, shall be held and deemed applicable to the canal directed to be constructed by this act.

Com'rs may diverge to Calumet river

Shortest route

SEC. 16. Each judge of a circuit court of any county through which the canal passes is authorized and required to appoint a board of assessors, not exceeding six in number, under the provisions of the act recited in the fifteenth section of this act, and to fill all vacancies which may occur in said board. The powers and duties of the board, and the qualifications of the members thereof, shall be the same as those in the act aforesaid; but no more than three of said board shall be authorized to act upon any one case.

Circuit judge to appoint assessors.

Vacancies.



No damage  
allowed for  
water.

SEC. 17. No damage shall be allowed to any person for the use of water in any river or stream, the bed of which, or some part thereof, does not belong to the claimant, nor for the use of water in any stream, whether navigable or not, if the boundaries of the land through which it passes are fixed by land-marks, and not by the stream itself.

Islands, &c.  
deemed canal  
lands.

SEC. 18. Islands and inundated lands, situated within the limits of sections of lands granted to the State by the United States, shall be deemed, occupied, and held as canal lands.

Purchasers  
may pay am't  
due any time.

SEC. 19. Purchasers of canal lots and lands may pay the amount due upon the purchase at any time, and receive final certificates from the Treasurer, as herein provided.

When State  
agents may  
purchase can-  
al lands.

SEC. 20. The provisions of the thirty-ninth and fortieth sections of the act, entitled "An act for the construction of the Illinois and Michigan canal," approved on the ninth day of January, one thousand eight hundred and thirty-six, are hereby made applicable to sales made under the provisions of this act, with this exception, that, after any lots or lands have been subject to private sale under the provisions of this act for the period of one month, any one of the Board of Canal Commissioners, or other agent of the State, may purchase not exceeding one block of town lots, or three hundred and twenty acres of land on which to reside; but this provision is not to extend to more than one purchase, and the terms of sale to be the same as those imposed upon other purchasers.

When con-  
tractor may  
have the bene-  
fits of this act.

SEC. 21. No contractor shall be entitled to the benefit of the provisions of this act until he shall have filed, with the Board of Canal Commissioners a writing, under his hand and seal, agreeing that his contract shall be deemed and considered as having been executed under the provisions of this act, and that he will be bound to comply with and conform to the provisions hereof as fully as if this act had been in force at the date of the contract.

Contractors  
paid at Otta-  
wa and Lock-  
port.

SEC. 22. Payments shall hereafter be made to contractors at Ottawa and Lockport, the place to be at the option of the contractor; but this provision shall not interfere with any arrangement which may be made by contractors with the Board in reference to the place of payment.

Where work  
can be done  
cheaper with-  
out contract.

SEC. 23. If, in the construction of the canal, the Board shall be satisfied that any section of the work can be executed with less cost to the State by the employment of laborers, and executing the work, than by the execution thereof by contract, they are authorized to adopt that plan of execution.

Sale may con-  
tinue twenty  
days.

SEC. 24. The laws authorizing the sale of lots and lands by Canal Commissioners shall be construed as conferring power upon the Board to continue sales from day to day for any number of days not exceeding twenty.

APPROVED, February 26, 1839.

AN ACT to locate a State road from Monmouth, in Warren county, to Illinois City, in Rock Island county. In force, Feb. 23, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Gilbert Turnbull of Warren county, J. H. Eley of Rock Island county, and William P. Huil of Mercer county, be, and they are hereby, appointed commissioners to view, locate, and mark, a road commencing at Monmouth, in Warren county; thence to Rockwell's mills, in said county; thence to McBride's mills, on Pope's river; and thence, via Millersburg, in Mercer county, to Illinois City, in Rock Island county. Com'rs to locate road.

SEC. 2. The commissioners aforesaid, or a majority of them, shall meet at the town of Millersburg, in Mercer county, on the first Monday in May, 1839, or within four months thereafter, and, before entering on the duties of their appointment, shall take an oath before some justice of the peace faithfully and impartially to locate said road, keeping in view the shortness of the route and the eligibility of the ground, so as to make the same a permanent road, distinctly marking the same. Time and place of meeting.  
To be sworn.

SEC. 3. The said commissioners, so soon as they shall have completed the location of said road, shall make out a map; which, together with the field-notes of the survey, shall be filed with the clerks of the county commissioners' courts through which the same shall pass. Map and field-notes to be filed.

SEC. 4. Said road, when laid out as aforesaid, shall be deemed a public highway, and shall be opened and kept in repair as such. And the county commissioners' courts of the counties of Mercer, Warren, and Rock Island, shall allow to the commissioners engaged in laying out said road two dollars per day, each, for the time necessarily engaged in laying out and making returns of the same, according to the length of the road in each county, together with a reasonable allowance to the surveyor and other hands necessarily engaged in laying out said road. Pay of com'rs.

APPROVED, February 23, 1839.

AN ACT to regulate public carriages and the law of the road.

In force, Feb. 23, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever any persons travelling with any carriages shall meet on any turnpike road or public highway in this State, the persons so meeting shall seasonably turn their carriages to the right of the centre of the road, so as to permit such carriages to pass without interfering or interrupting, under the penalty of five dollars for every neglect or offence, to be recovered by the party injured: *Provided,* This section shall not be construed to apply to any case unless some injury to persons or property shall occur by Penalty for not turning out.



the driver of the carriage or wagon refusing to turn to the right of the beaten track; nor shall it be construed to extend to a case where it is impracticable, from the nature of the ground, for the driver of the carriage or wagon to turn to the right of the beaten track.

**SEC. 2.** No person owning any carriage, running or traveling upon any road in this State for the conveyance of passengers, shall employ, or continue in employment, any person to drive such carriage who is addicted to drunkenness or the excessive use of spirituous liquors; and if any such owner shall violate the provisions of this section, after he shall have had notice and reasonable proof that such driver is addicted to drunkenness, he shall forfeit at the rate of five dollars per day for all the time during which he shall thereafter have kept any such driver in his employment, to be sued for by any person, and collected in any court having competent jurisdiction. The penalty, when recovered, shall be for the use of the poor of such county, except that the court in which the recovery shall be had may allow a portion of said penalty, not exceeding twenty-five dollars, to be retained by such complainant as a compensation for his services and expenses.

No driver shall be a drunkard.

Owner shall forfeit.

Penalty, how disposed of.

Drunken driver to be discharged.

Forfeiture.

Shall not run horses.

**SEC. 3.** If any driver, whilst actually employed in driving any such carriage, shall be guilty of intoxication to such a degree as to endanger the safety of the passengers in the carriage, it shall be the duty of the owner of such carriage, on receiving written notice of the fact, signed by any one of said passengers, and certified by him on oath, forthwith to discharge such driver from his employment; and every such owner who shall retain or have in his employ, within three months after the receipt of such notice, any driver who shall have been so intoxicated, shall forfeit at the rate of five dollars per day for the time during which he shall keep any such driver in his employment after receiving such notice, to be sued for and applied as directed in the last preceding section.

**SEC. 4.** No person driving any carriage upon any turnpike road or public highway within this State, with or without passengers therein, shall run his horses or carriage, or permit the same to run, upon any occasion, or for any purpose whatever; and every person who shall offend against the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not exceeding one hundred dollars, or imprisoned not exceeding sixty days, at the discretion of the court.

Precaution for safety of passengers.

**SEC. 5.** It shall not be lawful for the driver of any carriage used for the purpose of conveying passengers for hire, to leave the horses attached thereto while passengers remain therein, without first making such horses fast with a sufficient halter, rope, or chain, or by placing the lines in the hands of some other person, so as to prevent their running; and if any such driver shall offend against the provisions of this section,



he shall forfeit for the use of the poor the sum of twenty dollars, to be recovered by action to be commenced within six months; and unless the amount of such recovery be paid forthwith, execution shall be immediately issued therefor.

Driver shall forfeit.

SEC. 6. The owners of every carriage running upon any turnpike road or public highway for the conveyance of passengers shall be liable, jointly and severally, to the party injured, in all cases, for all injuries and damages done by any person in the employment of such owners as a driver, while driving such carriage, to any person or to the property of any person; and that, whenever the act occasioning such injury or damage be wilful, negligent, or otherwise, in the same manner as such driver would be liable. Any driver of any mail stage coach, or any other vehicle for the conveyance of passengers, wilfully offending against the provisions of this law, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be imprisoned not exceeding four months, or fined not exceeding three hundred dollars.

Fine or imprisonment.

SEC. 7. The term carriage, as used in this title, shall be construed to include stage coaches, wagons, carts, sleighs, sleds, and every other carriage or vehicle used for the transportation of passengers and goods, or either of them.

Carriages used on road.

SEC. 8. Nothing contained in this act shall interfere with or affect any law concerning hackney coaches or carriages in any of the cities of this State, nor interfere with nor affect the laws or ordinances of any such city for the licensing or regulating such coaches or carriages. This act to be in force from and after its passage. Justices of the peace shall have jurisdiction in all cases arising under this act where the penalty does not exceed one hundred dollars.

Hackney coaches.

APPROVED, February 23, 1839.

AN ACT to relocate the seat of justice in the county of Iroquois. In force, Feb 23, 1839,

WHEREAS the town of Montgomery, in the county of Iroquois, is within three miles of the State line of Indiana, and that the county seat is by law located at this town, and that to continue the seat at this place renders it very inconvenient and expensive for the citizens of said county to travel a great distance to the present seat of justice: *And whereas* the title to the present site is in minor heirs, and cannot be legally obtained: *And whereas* a large majority of the inhabitants of said county are anxious that the county seat should be located in a more central point, which will materially commodore them: Therefore,

Preamble.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That M. L. Covell, John Moore, and Cheney Thomas, of McLane county, be, and they are hereby appointed commissioners whose duty it shall

Com'rs to locate co. seat.

be to locate a permanent seat of justice for the county of Iroquois. And the county seat, when selected and located, shall be called by such name as the said commissioners may designate.

Time & place  
of meeting.

SEC. 2. The above named commissioners, or a majority of them, shall meet at the town of Middleport, in said county of Iroquois, on the first Monday in June next, or within thirty days thereafter, and, after being duly sworn by some justice of the peace faithfully to take into consideration the convenience of the people, situation of settlements now made, and that may hereafter be made, and the eligibility for said site, shall proceed to fix upon a place for said county seat.

Report of  
com'rs.

SEC. 3. When said commissioners, or a majority of them, shall have agreed upon a place for said county seat as is provided in the second section of this act, they shall make report thereof under their hands, particularly describing the place they have so selected, to the county commissioners' court of the county of Iroquois, who, at their next term shall cause the same to be entered on the records of said court; and the said place, so selected, shall be and remain the permanent seat of justice of the said county of Iroquois.

Proviso.

SEC. 4. Should said commissioners conclude to locate said seat of justice on private property, or the property of individuals, they shall ask and obtain from said individuals a donation of at least twenty acres of land; or should the said location be made in some town or village, the said commissioners shall ask and obtain, of the proprietor or proprietors of said town or village, a donation of not less than fifty town lots of an average value with the remaining ones within said town or village; and shall also describe said donation with certainty, by metes and bounds, as near as may be: *Provided*, That should the proprietor or proprietors neglect or refuse to make the donation herein provided for, the said commissioners shall then be required to locate the said seat of justice on the nearest eligible situation on public land. And it shall be the duty of said commissioners, previous to locating the said seat of justice on land belonging to an individual or individuals, to take a deed in fee simple to said county of Iroquois for such land as may be donated as aforesaid: *And provided, further*, That if the said commissioners shall locate said seat of justice on public land, the county commissioners' court shall be, and they are hereby, authorized and required to purchase any quantity of land, not exceeding one quarter section, in the name and for the use of the said county of Iroquois; which land, or such part thereof as the said county commissioners' court may direct, shall be laid off into town lots in such manner, and sold for the use of said county at such time and place, as the county commissioners' court may direct.

Further provi-  
so.

Pay of com'rs.

SEC. 5. The county commissioners' court of said county of Iroquois shall allow the said commissioners such reasonable compensation for their services as they may deem just, not to

exceed three dollars per day, to be paid out of the county treasury of said county.

SEC. 6. All acts and parts of acts coming within the per-view of this act are hereby repealed.

APPROVED, February 23, 1839.

AN ACT to change a part of the State road leading from Equality to Vienna. In force, Feb. 23, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William Sampson, Hiram Job, and Ishmael Vietch, of Johnson county, be, and they are hereby, appointed commissioners to review and relocate that part of the State road leading from Equality to Vienna that, lies between the Half-way branch and the town of Vienna, or so much thereof as they may deem to be conducive to public convenience, so as to locate the said road on the best and nearest route to pass by the Illinois springs. Com'rs to re-locate road.

SEC. 2. The said commissioners shall meet at the town of Vienna, on the first Monday of July next, or within one month thereafter, and, after being sworn by some justice of the peace faithfully to discharge the duties required by this act, shall proceed to view, mark, and relocate said road as directed in the first section of this act, doing as little injury to private interest as possible. The said commissioners, or a majority of them, shall make report of their review, designating such points as may be necessary, to the county commissioners' court at their next September term; and if such report be in favor of such change, then the said road shall be opened and kept in repair as other State roads are; and so much of the present road as may be changed by this act is hereby vacated. Time and place of meeting.

SEC. 3. The county commissioners' court of Johnson county shall allow the commissioners hereby appointed such compensation as they may deem right and reasonable for their services, to be paid out of the county treasury of said county. This act to be in force from and after its passage. Pay of com'rs.

APPROVED, February 23, 1839.

AN ACT to establish a State road from Mount Sterling, via La Grange, Arnez's mills, and Princeton, to Springfield; and for attaching part of the county of Shelby to the county of Dane. In force, Feb. 26, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be established a State road from Mount Sterling, in Brown county, to La Grange, and from thence to Arnez's mill, in Morgan county; and the roads now travelled from Arnez's mill to Location of road.



Princeton, and from Princeton to Springfield, are hereby declared State roads.

Com'rs to  
locate road.

To be sworn.

Report to be  
recorded.

Compensa-  
tion of com-  
missioners.

SEC. 2. Joseph Kerchee, William A. Henman, and T. T. Rigby, are hereby appointed commissioners to locate the road from Mount Sterling, via La Grange, to Arnez's mills; and they are required to meet at some place and time to be agreed on by them, on or before the first day of August next, and, upon being sworn to discharge the duties required of them by this act, proceed to the location of the road aforesaid, upon the ground which will best accommodate the public interest, and mark the route so that the same can be traced by the supervisors; and upon the location thereof, they shall make a report to the county commissioners' courts of the counties through which the road passes; which being entered on record, the road thus located shall be opened, and shall from thenceforth be a State road. Any two of the commissioners may execute this act; and they shall be paid two dollars per day for their services out of the county treasuries, in proportion to the time employed in each county.

SEC. 3. *And be it further enacted*, That townships eleven, twelve, thirteen, and the south half of fourteen north, of range one, east of the third principal meridian, shall be added to, and form a part of, the county of Dane.

APPROVED, February 26, 1839.

In force, Feb.  
26, 1839.

AN ACT to permanently locate the county seat of Mercer county.

Legal voters  
to vote for co.  
seat.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the legal voters of the county of Mercer shall meet at the respective places of holding elections in said county, on the third Monday in April next, and proceed to vote for a point or points whereat to locate the seat of justice for said county; and the point or place so voted for, and receiving a majority of all the votes given at the said election, shall be and remain the permanent seat of justice of the county of Mercer, any law to the contrary notwithstanding.

If no place is  
selected.  
2d meeting.

SEC. 2. In the event of no one place receiving a majority of all the votes given at the said election, it shall be lawful for the legal voters, on the Monday two weeks next following the third Monday in April, again to meet and vote, and on each Monday two weeks until some one place shall receive a majority of all the votes given at one election: *Provided, however*, That the place receiving the lowest number of votes shall not be voted for at any subsequent election.

Duty of cl'ks  
of election.

SEC. 3. It shall be the duty of the clerks of election, or other authorized person, within three days after any election, to return the poll-books to the clerk of the county commissioners' court; and the clerk shall cause the poll-books so returned

to be preserved with the records of said county. It shall also be the duty of the clerk of the county commissioners' court to give at least ten days' notice, at three public places within each precinct, of the time of holding the election contemplated in the first section of this act, and six days' notice of any subsequent election provided for by this act.

SEC. 4. If the seat of justice shall be removed from the town of Millersburg, the county commissioners shall require and receive a donation, of not less than forty acres of land, from any individual or individuals on whose land the county seat may be located according to the provisions of this act, and on which land, so donated, the public buildings shall be erected; and the remainder of such donation shall be applied to the erection of the public buildings within said county. If co. seat is removed.  
Public buildings.

SEC. 5. If the seat of justice shall be removed from the town of Millersburg to the town of New Boston, the proprietor or proprietors of said town shall donate to the said county a quantity of land or lots within the limits of the said town of New Boston, not less than two acres, and the sum of four thousand dollars in money; one-fourth of which shall be paid to the county commissioners, or their order, at the commencement of the erection of public buildings; and the remainder in three equal instalments of six, twelve, and eighteen months, from and after the date of the first payment.

APPROVED, February 26, 1839.

AN ACT for the benefit of John W. Spencer and David B. Sears, of Rock Island county. In force, Feb. 26, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* John W. Spencer and David B. Sears shall be allowed three years, from the passage of this act, to complete their mill-dam across Rock Island slough, in the county of Rock Island, any law to the contrary notwithstanding.

APPROVED, February 26, 1839.

AN ACT to grant a compensation to the Brigade Inspector of the first brigade and third division of Illinois militia. In force, Feb. 26, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* the Auditor of Public Accounts be, and he is hereby, required to draw his warrant on the treasury for the sum of eighty dollars, upon the order of Christian B. Blockburger, for inspecting eight battalions in the first brigade and third division of Illinois militia, in the year 1838.

APPROVED, February 26, 1839.

In force, Feb. 27, 1839. AN ACT to establish a State road from Rushville, in Schuyler county, to Pittsfield, in Pike county.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Solomon Hobbs and John Deigh of Pike county, and Luke Perry of Brown county, be, and they are hereby, appointed commissioners to view and locate a State road from Rushville, in Schuyler county, via Perry, to Pittsfield, in Pike county.

**SEC. 2.** The said commissioners, or a majority of them, shall meet at the town of Rushville, on the first Monday in April next, or within three months thereafter, and, after being duly sworn, shall proceed to perform the duties required of them by this act, doing as little injury to private property as practicable.

**SEC. 3.** Said commissioners are hereby authorized to employ a surveyor in Schuyler county, to survey and establish said road four rods in width; and shall make report, in writing, to the county commissioners' courts of the respective counties through which said road shall pass. Said report shall form a part of the records of said courts; and said road, thus laid out, shall be a public highway of this State.

**SEC. 4.** The county commissioners' courts shall allow the viewers and others employed, from their respective counties, a reasonable compensation for their services, to be paid out of their county treasuries.

APPROVED, February 27, 1839.

In force, Feb. 27, 1839. AN ACT to lay out a State road from Shelbyville, in Shelby county, to Decatur, in Macon county.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Bushrod W. Henry of the county of Shelby, and William Warnick of the county of Macon, be, and they are hereby, appointed commissioners to lay out a State road from Shelbyville, in Shelby county, to Decatur, in Macon county.

**SEC. 2.** Said commissioners shall meet at Shelbyville on or before the twenty-fifth of September next, and, after taking an oath before some justice of the peace in said town to observe the obligations of this act, shall proceed to view and lay out said road on the nearest and best way from said town of Shelbyville to or near Wilbourn's point; thence through Brush creek point; thence to Allen's bridge; and thence to Decatur, in Macon county; and as soon as practicable thereafter cause to be made out a report of the location of said road, designating the most noted points thereon, and return a copy of the same to the clerk of the county commissioners' court of each of said counties; which shall be by him filed in his office. And said road, thus laid out, shall be, and is hereby,



declared a public State road, and shall be opened and kept in repair in the same manner as other public roads are.

SEC. 3. Said commissioners shall be paid two dollars per day each; chain-carriers two dollars per day each; and the surveyor two dollars and fifty cents per day, out of the treasury of each county equally. Compensation.

APPROVED, February 27, 1839.

AN ACT concerning a State road in the county of Fulton.

In force, Feb.  
27, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the location of a State road from Knoxville to Jackson Grove, by Ahira Sanders' and Absalom Maxwell's, in compliance with the provisions of the fifth and sixth sections of an act, entitled "An act to locate a State road from Canton to Knoxville, and for other purposes," approved twenty-first day of July, 1837, be, and the same is hereby, confirmed, and said road is declared a State road. Location confirmed.

SEC. 2. That Levings Burnington be, and he is hereby, appointed a commissioner to act in conjunction with the commissioners appointed by the fifth section of the act abovementioned; and said commissioners shall meet at Lewistown on the first Monday in April next, or as soon thereafter as a majority of the commissioners may agree upon, and shall proceed to view, mark, and to continue the location of the abovementioned road from Jackson Grove to Lewistown. And said commissioners shall make a report of their proceedings to the county commissioners' court of Fulton county. Said commissioners shall receive a reasonable compensation for their services in locating said road from Jackson Grove to Lewistown, including the services of surveyor and others employed in locating the road mentioned in the first section of this act, to be paid out of the county treasury of Fulton county. Com'r to locate road.  
Compensation.

APPROVED, February 27, 1839.

AN ACT in addition to the several acts authorizing and regulating the sale of school lands. In force, Feb.  
27, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the several acts authorizing the sale of sections numbered sixteen, or such lands as may be granted in lieu thereof to the inhabitants of townships for the use of schools, shall be deemed and taken to apply to all lands granted by the United States to this State, for the use of the inhabitants of any fractional township, for the use of schools. Application of acts.

Lands may be sold.

SEC. 2. The school lands granted for the use of the inhabitants of any fractional township may be sold on petition as in other cases, although such fractional township shall not contain fifty white inhabitants; but such school lands shall not be sold unless the number of white inhabitants in such fractional township shall bear as large a proportion to the quantity of school land granted for the use of the same as the number fifty bears to an entire section of land.

When patent is lost.

SEC. 3. When any certificate of the purchase of any school land, issued by the school commissioner, or any patent for school land issued by the Governor, Secretary of State, and Auditor, shall be lost, or destroyed, the owner of the same shall be entitled to receive a duplicate copy of such certificate or patent, by filing, with the school commissioner of the county in which the land was sold, an affidavit testifying to the loss or destruction of such certificate or patent, particularly describing the land or lands in question, and stating that the same has not been sold or transferred by him.

Fee of com'r for filing affidavit.

For duplicate patent.

SEC. 4. The school commissioner shall be entitled to a fee of fifty cents for filing the affidavit and issuing a duplicate certificate of purchase, and to a fee of one dollar for obtaining a duplicate copy of a patent, to be paid by the person applying for such duplicate copy.

APPROVED, February 27, 1839.

In force, Feb. 27, 1839. AN ACT to authorize the sale of school lands in the county of Edwards.

School com'r may sell lands

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the school commissioner of the county of Edwards is hereby authorized to sell the school lands granted for the use of the inhabitants of any fractional township in fractional range eleven, east of the third principal meridian, in said county of Edwards, on petition of three-fourths of the legal voters of the township as in other cases, although such fractional township may not contain the number of white inhabitants required by the several laws relative to the sale of school lands.

APPROVED, February 27, 1839.

In force, Feb. 27, 1839.

AN ACT to locate a certain State road therein mentioned.

Com'rs to locate road.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Curtis Clark, Andrew Cormish, and Benjamin Douglas, be, and they are hereby, appointed commissioners to view, mark, and locate a State road from the city of Chicago to the south line of the Territory of Wisconsin; said road to cross the Des Plaines river at

Monroe, at or near the place where the present post-road crosses the same, by Elk grove, in Cook county, and Chrystal lake, in McHenry; thence to that point on the Territorial line which will be the most eligible for a continuation of said road, by the head of Geneva lake, to Madison, the capital of said Territory.

SEC. 2. The commissioners, or a majority of them, shall meet in Monroe, at the house of Silas Mcacham, on the first Tuesday in March next, or within three months thereafter, and, after being duly sworn before some justice of the peace faithfully to perform the duties required of them by this act, shall proceed to survey, mark, and locate said road as is provided in the first section of this act, having in view the public good; and shall, as soon as practicable thereafter, make, or cause to be made, a plat of said road, certified by them; which shall be filed in the clerk's office of the county commissioners' court of the several counties through which said road shall pass.

SEC. 3. All roads and parts of roads which shall begin and end in this said road, or shall tend to the same point, and not departing more than one mile from the same, shall be, and the same are hereby, annulled and vacated.

SEC. 4. The said commissioners shall be allowed two dollars each per day, while necessarily employed in said view and location, together with a fair allowance for such necessary hands as they may employ, to be allowed by the commissioners' court of the several counties, in proportion to the length of said road in each of the same, through which the road shall pass. This act to be in force from and after its passage.

APPROVED, February 27, 1839.

---

AN ACT supplementary to "An act prescribing the mode of trying the right of property."

In force, Feb.  
27, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all cases of the trial of the right of property before any sheriff or coroner, it shall be the duty of such sheriff or coroner to summon such witnesses as shall be required by either party to such trial, to attend at the time and place at which such trial shall be held.

SEC. 2. In all cases where a witness shall be so summoned, and shall fail to attend at such trial conformably thereto, and in all cases where a juror shall fail to attend the same when summoned by such sheriff or coroner, such sheriff or coroner shall have the same power to issue an attachment for contempt against such delinquent witness or juror, and to proceed in all respects as justices of the peace are authorized to proceed by the 22d section of an act, entitled "An act concerning justices of the peace and constables."



Fine.

SEC. 3. And any fine which such sheriff or coroner may impose for such contempt may be collected in the same manner as costs accruing under the provisions of the act to which this is supplementary.

APPROVED, February 27, 1839.

In force, Feb.  
27, 1839.

AN ACT to locate a State road therein named.

Com'rs to lo-  
cate road.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Elijah Taylor of Franklin county, R. A. D. Welbanks of Jefferson county, and Ennis Maulding of Wayne county, be, and they are hereby, appointed commissioners to view, locate, and mark, a State road from the bridge over the Middle fork of Muddy river, (or the road leading from Frankfort, in Franklin county, to Mount Vernon, in Jefferson county,) to Maulding's mills, in Wayne county.

Time and  
place of meet-  
ing.

SEC. 2. Said commissioners, or a majority of them, shall meet at the office of Lawson Thompson, on the first Monday in May next, or within thirty days thereafter, and, after being duly sworn by a justice of the peace faithfully to discharge the duties required of them by this act, shall proceed to locate said road by putting up stakes in the prairie, and marking trees through the timber. Said road shall be located on the nearest and best ground between said bridge and said mills. Regard shall be had to the accommodation of the settlement through which the same shall pass; and care shall be taken to do as little damage as possible to the property of individuals living on the route.

Report to be  
made & filed.

SEC. 3. Said commissioners shall, as soon as convenient after making said location, make report thereof to the county commissioners' courts of the several counties through which any part of said road may pass; which report, when so made, shall be by the clerks of said courts filed, and shall thereafter form a part of the records of said courts; after which said road shall be opened and kept in repair as other State roads are.

Compensa-  
tion.

SEC. 4. The county commissioners' courts of the several counties through which said road shall pass, shall allow said commissioners a reasonable compensation for their services under the provisions of this act, having regard to the length of the same, and the time necessarily employed in making said location, as the length of road and time spent in locating in each county may be to the whole.

APPROVED, February 27, 1839.

AN ACT to authorize Edward White to establish a ferry across the Mississippi river. In force, Jan. 12, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Edward White be, and he is hereby, authorized to establish and keep a ferry, for ten years, across the Mississippi river at his landing, on the northwest quarter of section eleven, in township seven north, and range eight, west of the fourth principal meridian. E. White to establish a ferry across Mississippi river for ten years.

SEC. 2. Said White shall cause said ferry to be furnished with a tight & good boat, to be worked by steam or horse-power, and sufficient for the speedy and safe transportation of all passengers, their teams, horses, cattle, and other animals, as well as their goods and effects. Said boat shall be furnished with men of suitable strength and skill to manage the same. Boat to be worked by steam or horse power.

SEC. 3. Said White shall receive such rates for crossing at said ferry as are now allowed him by the county commissioners' court of Hancock county; and, in the management and regulation of said ferry, the said White shall be governed by the requisitions of the act, entitled "An act to provide for the establishment of ferries, toll-bridges, and turnpike roads," approved February 12, 1827. This act to take effect from and after the date of its passage. Rates of toll

APPROVED, January 12, 1839.

AN ACT to authorize the commissioners of Crawford county to appoint persons to locate a certain road therein named. In force, Feb. 28, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of the county of Crawford are hereby authorized to appoint two or more competent persons, whose duty it shall be to view, mark, and locate, that part of the State road from the Wabash to Shelbyville leading from Palestine, by Richard Logan's, sen., and Joshua Barber's, approved January 31, 1837; thence, in a direction to intersect the State road as near John Howard's, in Crawford county, as practicable, located under the act of January 16, 1836. Com'rs to locate road. Course.

SEC. 2. The persons appointed for the above purpose, after being sworn, shall, as soon as practicable, view, mark, and locate said road, and make a report to the clerk of the county commissioners' court, who shall record the same; and when done, said road shall be opened and kept in repair as other State roads are; and shall receive out of the county treasury, for their services, such compensation as the county commissioners may deem right and just. Report to be made. Pay of com'rs

APPROVED, February 28, 1839.

In force, Feb. 28, 1839. AN ACT to provide for the dedication of lots, in towns situated on canal lands, to public purposes.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That for the purpose of adding to the value of town lots owned by the State in towns laid out and established by the Board of Commissioners of the Illinois and Michigan canal, by encouraging public improvements, the said Board shall designate lots in each of said towns, to be donated to religious societies or congregations, whereon to erect houses of worship; and one lot shall be granted to every society or congregation desiring the same, upon condition that such society will erect or build a church or chapel thereon, and use and occupy the same for that and no other purpose. The lots so donated shall be unalienable by the society or congregation; and whenever abandoned or used for any other purpose than is expressed in this act, shall revert to the State, together with all improvements made thereon. The title to lots shall be vested in societies or congregations, by an entry to be made by the Board of Canal Commissioners upon the recorded plat of the town, of the name of the society or congregation for which the donation is intended; but the title shall be subject to the provisions of this act.

**SEC. 2.** The Board shall also set apart and designate, in the manner aforesaid, not exceeding four lots in each town, on which the inhabitants of such towns may erect school-houses, for the use of common schools; said lots to be unalienable, and to be occupied and used as aforesaid, under the direction of the proper authorities of the town. The provisions of this act shall extend to towns hereafter, as well as towns already laid out.

APPROVED, February 28, 1839.

---

In force, Feb. 27, 1839. AN ACT to amend the act, entitled "An act declaring what shall be evidence in certain cases," approved January 10, 1827.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That a patent for land shall be deemed and considered a better legal and paramount title in the patentee, his heirs or assigns, than the official certificate of any register of a land office of the United States, of the entry or purchase of the same land.

APPROVED, by the Council, February 27, 1839.



AN ACT to authorize John A. McClanahan, William James, George F. Stolle, and Frederick Remann, to build mill-dams in Fayette county. In force, Feb. 28, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John A. McClanahan, his heirs and assigns, be, and they are hereby, authorized to build and continue a mill-dam across Beck's creek, in Fayette county, on the southeast quarter of the southeast quarter of section thirty, in township nine north, in range two, east of the third principal meridian, not to exceed eight feet high above low-water mark. Mill-dam across Beck's creek. Height of dam

SEC. 2. That William James, his heirs and assigns, be, and they are hereby, authorized to build and continue a mill-dam across Ramsey's creek, in Fayette county, on the northeast quarter of the northwest quarter of section number twenty-nine, township numbered eight north, range numbered one, east of the third principal meridian, not to exceed eight feet high above low-water mark: *Provided, however,* That this act shall not be construed so as to authorize the persons therein named to throw the water upon any mill now in operation by raising the dam as aforesaid. Dam across Ramsey's creek. Height.

SEC. 3. The mill now the property of George F. Stolle and Frederick Remann, built on Hurricane creek, in Fayette county, situate on the southwest quarter of the southeast quarter of section eight, township six north, range one, west of the third principal meridian, is hereby declared legally established—subject, however, to the provisions of the foregoing section of this act. Mill of Stolle & Remann legal. Subject to provisions of this act.

APPROVED, February 28, 1839.

AN ACT further to provide for the release and extinction of mortgages. In force, Feb. 27, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That from and after the passage of this act, it shall be deemed a sufficient release and extinction of any mortgage granted upon any real estate, if the mortgagee, his or her legal representative or assigns, shall grant a full release of the same under his, her, or their seal and signature, in the presence of an attesting witness, and acknowledge the execution of such release in the same manner, and under the same restrictions, in which deeds are acknowledged by the existing laws of this State.

APPROVED, February 27, 1839.

In force, Feb.  
27, 1839.

AN ACT for the relief of Calhoun county.

\$1,000 may  
be appropriat-  
ed for pay-  
ment of debts.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of Calhoun county are hereby authorized, if they shall deem it expedient, to appropriate one thousand dollars of the money that they have or may receive from the Fund Commissioners, according to the fifteenth provision of the eighteenth section of "An act to establish and maintain a general system of internal improvements," for the payment of any debt or debts due and unpaid by said county. This act to take effect and be in force from and after its passage.

APPROVED, February 27, 1839.

In force, Feb.  
28, 1839.

AN ACT to amend the act, entitled "An act to provide for changing the venue in civil and criminal cases," approved January 23, 1827.

Venue not  
changed un-  
less cause be  
shown.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That, hereafter, changes of venue shall not be granted after the first term of the court at which the party applying might have been heard, unless the party so applying shall show that the causes for which the change is asked have arisen, or come to his, her, or their knowledge, subsequent to the term at which the application might have been made; and shall also have given to the opposite party ten days' previous notice of his or their intention to make such application, except in cases where the causes have arisen or come to the knowledge of the party making the application within less than ten days of making the same.

Notice to op-  
posite party.

Consent of  
parties in civil  
cases necessa-  
ry to change  
venue.

SEC. 2. In civil causes wherein there are two or more plaintiffs or defendants, a change of venue shall not be granted unless the application is made by or with the consent of all the parties, plaintiffs or defendants, as the case may be; and in criminal cases, where this application is made by a part of the defendants, and is granted, a copy of the indictment, and not the original, shall be transmitted to the court to which the change of venue is ordered; and the copy, certified by the clerk to be correctly made, shall stand as the original.

SEC. 3. All questions concerning the regularity of proceeding in obtaining changes of venue, and the right of the court to which the change is made to try the cause and execute the judgment, shall be considered as waived after trial and verdict.

APPROVED, February 28, 1839.



AN ACT for the formation of De Witt county.

In force, Mar.  
1, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that tract of country within the following boundaries, to wit: Beginning at the northwest corner of section numbered eighteen, in township numbered twenty-one north, in range numbered one, west of the third principal meridian, and running thence, east, on the section lines, to the northeast corner of section numbered thirteen, in township numbered twenty-one north, in range numbered six east; thence, south, on the range line between ranges six and seven, to the township line between townships numbered eighteen and nineteen north; thence, west, on the last mentioned township line, to the third principal meridian; thence, north, on said meridian line, to the township line between townships numbered twenty and twenty-one north; thence, west, on said last mentioned township line, to the range line between ranges numbered one and two west; and thence, north, on said last mentioned range line, to the place of beginning, shall constitute a new county, to be called the county of De Witt.

Boundaries of  
De Witt county.

SEC. 2. For the purpose of permanently establishing the seat of justice of said county, the legal voters thereof shall meet, at the several places of holding elections for Representatives and Senators in said county hereby created, on the first Monday in May next, and proceed to vote for the following points, to wit, the towns of Clinton and Marion, of said county; and the place receiving the largest number of votes given shall be the established seat of justice of said county.

Voters to lo-  
cate co. seat.Places to be  
voted for.

SEC. 3. The legal voters of said county shall, at the same time and places above specified, elect one sheriff, one coroner, one recorder, one county surveyor, one probate justice, one clerk of the county commissioners' court, and three county commissioners, who shall hold their offices until the next succeeding general election, and until their successors are elected and qualified; which said elections shall be conducted in all respects agreeable to the provisions of the law regulating elections.

Election for  
co. officers.

SEC. 4. It shall be the duty of the clerk of the circuit court of said county to give at least thirty days' notice of the time and places of holding said elections above provided for, by posting up notices thereof at at least six public places in the county; and the returns of said elections shall be made to said clerk who gave the notice as aforesaid, and by him, in presence of one or more justices of the peace, shall be opened and examined; and they jointly shall give to the persons elected county commissioners certificates of their election, and shall transmit election abstracts of the election for the county officers to the Secretary of State as now required by law. It shall further be the duty of said clerk and justice or justices of the peace, as the case may be, to furnish the clerk of the county commissioners'

Notice of  
election.Returns, how  
made.Certificate of  
election.



Abstract of  
votes.

court with an abstract of the votes given for the seat of justice of said county; which said abstract shall be recorded in the record of the proceedings of said commissioners' court, and shall forever exist as evidence of the established seat of justice of said county.

Judges of  
election.

SEC. 5. For the purpose of holding said election, it shall be the duty of the present judges of election embraced within the limits of said county to act as judges of the same: *Provided, however,* That should said judges decline acting, or be absent on the day of election, the qualified voters present may elect, from among their own numbers, three qualified voters to act as judges of said election, who shall have power to appoint two persons to act as clerks, as in other cases.

Proviso.

Officers con-  
tinued.

SEC. 6. The present justices of the peace and constables embraced within the limits of said county shall be, and are hereby, continued in office as justices and constables of said county of De Witt until the next regular election of justices of the peace and other county officers.

Donations.

SEC. 7. The proprietor or proprietors of the town where the county seat may be located as aforesaid shall donate the sum of two thousand dollars, payable within a period not less than twelve nor more twenty-four months from the time said location shall be made; or, in lieu thereof, at their discretion, shall grant and convey, by good and sufficient warranty deeds, town lots or other lands situated in or about the town where the county seat shall be so located, the aggregate value of which shall not be less than two thousand dollars, to be appraised by three disinterested freeholders, to be mutually agreed upon by the proprietor or proprietors of said town and the county commissioners of said county: *Provided* said proprietor or proprietors and the county commissioners of said county cannot agree upon the value of the same: *Provided, however,* And said donations or grants are upon this express condition, that the court house and public offices of said county shall be erected on the present established public square of the town in which the county seat may be located.

Proviso.

Further provi-  
so.

Money, how  
appropriated.

SEC. 8. It shall be the duty of the county commissioners' court, at as early a period as practicable, to appropriate said two thousand dollars so donated as aforesaid, or the proceeds of said real estate granted as aforesaid, as the case may be, in the erection of a court house or other necessary public buildings; for which purpose, should the donations consist of real estate, the county commissioners shall have power to dispose of said real estate in such manner, and upon such terms, as they may deem most consistent with the public interests.

De Witt to  
form part of  
8th circuit.

SEC. 9. Said county shall be attached to, and form a part of, the eighth judicial circuit; and, until the county seat shall be located as provided in this act, the circuit and county commissioners' courts shall be held at the town of Marion.

SEC. 10. For judicial and other purposes, said county shall continue to form parts of McLean and Macon counties until organized as above provided for, and shall continue to be attached to said counties in all general elections until otherwise provided by law. To form part of McLean & Macon counties.

SEC. 11. After the election of county officers as herein provided, the persons elected county commissioners are hereby authorized to administer oaths of office to all other county officers; and the said county commissioners shall, within ten days after their election, meet together as a court, lay off the county into precincts and justice's districts, appoint a school commissioner for the county, and transact any other business which may be deemed necessary. Duty of co. com'rs.

SEC. 12. The school funds belonging to the several townships in said county, together with all interest arising out of said moneys that have not heretofore been expended for schools embraced within the limits of the counties of McLean and Macon now proposed to be set off into the county of De Witt, and all notes and mortgages appertaining to the same, shall be paid and delivered over to the school commissioner of said county of De Witt, by the school commissioners of the counties of McLean and Macon, as soon as said county shall be organized and the commissioner of school funds shall be appointed and qualified according to law. School funds to be paid over to school com'r of De Witt.

SEC. 13. It shall be the duty of the county commissioners of said county, before the erection of public buildings, to provide some suitable room or building in which to hold the circuit and county commissioners' courts. Courts, where held.

The inhabitants residing within so much of the territory set off and forming a portion of De Witt county as are now within the bounds of Macon county, shall continue to be and constitute a part of the taxable inhabitants of Macon county until the first of January, 1840. To be taxed with Macon till 1840.

APPROVED, March 1, 1839.

AN ACT to authorize the county commissioners' court of St. Clair county to change State roads in said county. In force, Feb. 26, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of St. Clair county is hereby authorized to change the location of any State road in said county: *Provided,* That no change shall be made in the Great Western mail route; nor any change in any State road at the points where such road enters the county, without the consent of the county commissioners' courts of the adjoining counties interested. Road may be changed. Proviso.

APPROVED, February 26, 1839.



In force, Feb. 26, 1839. AN ACT to authorize Nathaniel C. Wilcox and his associates to establish a ferry across the Mississippi river, at the most convenient point opposite the town of Bloomington.

Persons authorized to establish ferry SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Nathaniel G. Wilcox and his associates be, and they are hereby, authorized to establish and keep a ferry for ten years across the Mississippi river, at the most convenient point opposite the town of Bloomington, in the county of Rock Island, in the State of Illinois.

Good boats to be provided. SEC. 2. The said Wilcox and his associates shall cause said ferry to be furnished with a good steam or other boat sufficient for the speedy and safe transportation of all passengers, their teams, horses, cattle, and effects. Said boat shall be furnished with men of suitable strength and skill to manage the same.

Rates of toll. SEC. 3. The said Wilcox and his associates shall receive such rates for crossing at said ferry as are now allowed them by the county commissioners' court of Rock Island county; and in the management and regulations of said ferry, the said Wilcox and his associates shall be governed by the requisitions of the act, entitled "An act to provide for the establishment of ferries, toll-bridges, and turnpike roads," approved February 12, 1837. This act is to take effect from and after the date of its passage.

APPROVED, February 26, 1839.

In force, Feb. 27, 1839. AN ACT to relocate a part of the State road from Mount Vernon to Nashville.

Com'rs appointed to relocate road. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William Bullock and Harvey Creel, of Jefferson county, and Joel Woodram, of Washington county, be, and they are hereby, appointed commissioners to review and relocate so much of the State road leading from Mount Vernon and Nashville as lies between the bridge across the West fork of Muddy, in Jefferson county, and Joel Woodram's, in Washington county.

Time and place of meeting. SEC. 2. The said commissioners, or a majority of them, shall meet on the first Monday in July next, or within thirty days thereafter, and, after being duly sworn by some justice of the peace of Jefferson county faithfully to locate said road, taking into consideration the nearest and most eligible route between the points specified in the first section of this act, shall proceed to make said location, marking the trees through the timber, and putting up stakes at proper distances apart through the prairies; and said road, when so relocated, shall be opened and kept in repair as other State roads are.

SEC. 3. Said commissioners shall make out, under their hands and seals, a certificate of the number of days neces-



sarily employed by them in making said relocation, and shall deliver a copy thereof to the clerks of each of the counties of Jefferson and Washington. Said commissioners shall each receive one dollar and fifty cents per day for their services in making said relocation, to be paid out of the treasuries of Jefferson and Washington counties, in proportion to the distance said road shall pass in each county.

APPROVED, February 27, 1839.

Copy of location of road.

Pay of com'rs.

AN ACT to authorize a relocation of a State road therein named.

In force, Feb. 27, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of Edwards county be, and they are hereby, authorized to appoint three commissioners, whose duty it shall be to meet on a day by them to be appointed, and, after being duly sworn before some justice of the peace faithfully and impartially to discharge the duty required of them by this act, to proceed to view, survey, and relocate so much of the State road leading from Albion to Maysville as lies between Albion and the bridge on the North fork of the Village creek on said road, and return a survey and plat thereof to the county commissioners' court of said county, which shall be recorded by the clerk thereof.

Duty of commissioners of Edwards co. to appoint com'rs to relocate road.

Road from Albion to Maysville.

SEC. 2. That after said relocation shall have been made, and the plat and survey thereof returned, the said road, thus located, shall be opened and kept in repair as other State roads are required to be; and the road as now located shall be vacated.

SEC. 3. That the county commissioners' court of said county shall allow said commissioners a reasonable compensation for the services to be performed under the provisions of this act.

Compensation.

APPROVED, February 27, 1839.

AN ACT to authorize Samuel Hillon and Sylvanus Mason to build a mill-dam across Big Muddy river.

In force, Feb. 28, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Samuel Hillon and Sylvanus Mason be, and they are hereby, authorized to build a mill-dam across Big Muddy river, at a place known as the Shallow Ford, on said river, the same being on the southeast quarter of the southeast quarter of section number twenty-two, in township number six, range two, east of the third principal meridian: *Provided* the said Samuel Hillon and Sylvanus Mason own the land above described.

Mill-dam across Big Muddy.

APPROVED, February 28, 1839.

In force, Feb. 27, 1839. AN ACT respecting section sixteen, in township two south, in range fourteen west, in Edwards county.

Preamble.

WHEREAS it is represented to this General Assembly that in the sale, by the school commissioner of Edwards county, of school section number sixteen, in township two south, in range number fourteen west, mistakes occurred in consequence of the misnumbering of the several forty-acre lots into which said section was divided, so that the several purchasers of said lots find themselves disappointed in the location of their respective purchases: Therefore,

School com'r to refund purchase money and notes. Advertisement and sale of school land. Proviso.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the present school commissioner of said county shall return to the several purchasers of lots in said section the several notes executed by them for said lots; and shall then proceed, according to law, to advertise and offer said several lots for sale again to the highest bidders, respectively, without regard to said former sale: *Provided,* That said purchasers shall have the right of pre-emption to the respective lots formerly purchased by them according to the true numbers, as understood at said former sale.

Plat vacated. True plat to be filed.

SEC. 2. The erroneous plat of said school section filed by the trustees of said township is hereby vacated; and the true plat shall be made out and filed in lieu thereof, on the payment by them according to law of the former prices bid by them, respectively, with legal interest thereon from said former sale till paid.

APPROVED, February 27, 1839.

In force, Feb. 28, 1839. AN ACT to locate a State road from Griggsville, in Pike county, to the Mississippi river.

County com'r's to locate road.

Course of road.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Samuel Lippincott, Montgomery Blair, and Stephen Grey, of Pike county, be, and they are hereby, appointed commissioners to view, mark, and locate a State road to commence at Griggsville, in said county of Pike; thence to Worcester; thence to Bartlett's and Lippincott's mills; thence to Kinderhook; and thence to the Mississippi river, opposite Saverton, in the State of Missouri.

Time & place of meeting.

To be sworn.

SEC. 2. The said commissioners, or a majority of them, shall meet at the town of Griggsville, in said county, on the first day of April next, or within three months thereafter, and, after having been sworn by some justice of the peace faithfully and impartially to discharge the duties required of them by this act, shall proceed to view, mark, and locate said road, keeping in view the shortness of the route and the eligibility of the ground, so as to make the same a permanent road.

SEC. 3. The said commissioners, so soon as they shall have completed said work, shall make out a map or plat of said road, giving the courses, distances, streams, &c. and lodge the same in the office of clerk of the county commissioners' court of said county. Map to be lodged with clerk.

SEC. 4. The county commissioners' court of the said county shall allow the said commissioners a reasonable compensation for their services in proportion to the length of said road and the time they shall be necessarily employed on the same; and the said county commissioners shall cause said road to be opened and kept in repair in the same manner with other State roads. Pay of com'rs.

APPROVED, February 28, 1839.

AN ACT supplemental to "An act to establish the counties of Menard, Logan, and Dane." In force, Feb. 28, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the officers to be elected under the provisions of the act to which this is supplemental, shall hold their offices, respectively, as long after the next August election as they would do under the general law if they had been elected at said August election. Term of office.

SEC. 2. In all elections for a Senator or Senators, in the district composed of the counties of Menard, Logan, Dane, and Sangamon, the clerks of the county commissioners' courts of the three first named counties shall, within ten days after each election, return abstracts of the votes given for a Senator or Senators to the clerk of the county commissioners' court of Sangamon county, who shall, in presence of two justices of the peace, compare said abstracts, together with the votes given for such Senator or Senators in Sangamon county, and shall, as soon as convenient, make out and deliver a certificate of election to the person so shown to be elected. Election for Senator, how to be conducted.

SEC. 3. In all elections for a Representative to the General Assembly in the counties of Logan and Dane, the clerk of the county commissioners' courts of said counties shall, within ten days after each election, meet at the county seat of Logan county, and shall, in the presence of two justices of the peace, proceed to compare the votes given in each said counties for Representative; and also to make out a certificate of election for the person so shown to be elected; which certificate shall be delivered to such person as soon thereafter as convenient. Election for Rep. in Logan and Dane, how conducted.

SEC. 4. Militia duty shall be performed in the counties of Menard, Logan, Dane, and Sangamon, as if no division had been made. Militia duty.

APPROVED, February 28, 1839.



In force, Feb. 28, 1839. AN ACT to establish a State road in Franklin and Union counties.

Com'rs to locate road. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Duebarts Dempsey, of Franklin county, and Daniel Treat, of Union county, be, and they are hereby, appointed commissioners to review, mark, and locate a road from the town of Bainbridge to Jonesboro, on the nearest and best route, taking into consideration the general locality of the country.

Time and place of meeting. To be sworn. SEC. 2. Said commissioners shall meet at the town of Bainbridge, in Franklin county, on the third Monday in May next, or as soon thereafter as practicable; and after being first duly sworn, before some justice of the peace, faithfully to perform the duties required of them by this act, shall then proceed to review, mark, and locate said road, and shall make duplicate reports to the county commissioners' clerks of their respective counties, and by them to be filed in their respective offices, of the principal points by which said road passes in said counties.

Their duties. Road deemed a public highway. SEC. 3. Said road, when so laid out, shall be a public highway, and the county commissioners' courts of the said counties shall cause the same to be opened four poles wide, and be worked and kept in repair as other State roads. The Pay of com'rs. respective county commissioners' courts of said counties shall allow said commissioners a reasonable compensation for their services, to be paid out of their respective county treasuries. This act to take effect and be in force from and after its passage.

APPROVED, February 28, 1839.

In force, Feb. 28, 1839. AN ACT to amend "An act regulating the mode of trying the right of property."

Property claimed. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* in all cases where any personal property shall be taken by virtue of an execution or attachment issued by any justice of the peace, and shall be claimed by any person or persons other than the defendant in such execution or attachment, and shall give notice in writing of his or their claim and intention to prosecute the same, it shall be the duty of the constable to notify the plaintiff in execution or attachment of such claim, and the time and place of trial; and if the justice who issued such execution or attachment be absent from the county, or unable to attend to such trial, it shall be the duty of the constable serving such execution or attachment to notify the plaintiff in execution that he will attend before some other justice of the peace of the county, (naming him,) and shall also designate some day and hour for the trial of the right of said property.

SEC. 2. That it shall be the duty of any justice of the peace, when notified by any constable of any person or persons claiming property as aforesaid, to enter such cause on his docket, and to proceed in all cases to have the right of such property tried, in the same manner as if the execution or attachment had been issued by him: and in case the property shall appear to belong to the claimant, the justice shall enter judgment against the plaintiff in execution or attachment, for the costs that may have accrued on such suit; and on failure of the plaintiff to pay the same, the justice may issue execution therefor; but in all cases where it shall appear that the property claimed belongs to the defendant in execution, the justice shall enter judgment against the claimant of the property for the amount of costs that shall have accrued, and issue execution therefor as in other cases.

SEC. 3. That in all cases of trial of the right of property before any justice of the peace, constable, or sheriff, the said justice, constable or sheriff shall be authorized to issue subpoenas for witnesses, and compel their attendance, in the same manner as in the trial of causes before justices of the peace in the circuit courts of this State.

APPROVED, February 28, 1839.

AN ACT to relocate part of the State road from Mount Vernon to Fairfield. In force, Feb. 28, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James Kass, John Johnson, and Edward H. Ridgway, of Jefferson county, be, and they are hereby, appointed commissioners to review and relocate so much of the State road leading from Mount Vernon to Fairfield as lies between Mount Vernon and the East fork of Muddy.

SEC. 2. The said commissioners, or a majority of them, after being sworn by some justice of the peace of Jefferson county faithfully and impartially to make said review and relocation, shall proceed, previously to the first day of June next, to perform the duties herein assigned them; and, in making said relocation, it shall be made as near as can be in a straight line with the street at which said road now leaves Mount Vernon; but may, if they should deem it expedient, make said relocation so that it shall cross the said creek at the bridge at present erected across said creek; and said road so relocated shall be opened and kept in repair as other State roads are.

SEC. 3. The county commissioners of said county shall, at their next term after the relocation of said road, make such compensation to said reviewers as may seem to them just and equitable.

APPROVED, February 28, 1839.

In force, Feb.  
28, 1839.

AN ACT declaring the Des Plaines river a navigable stream.

Des Plaines  
declared nav-  
igable.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Des Plaines river, from the point where it most nearly connects itself with the Illinois and Michigan canal to its source within the boundaries of this State, is hereby declared a navigable stream, and shall be deemed and held a public highway, and shall be and remain free, open, and unobstructed, from the said point of connection with the said canal to its utmost limit within this State, for the passage of all boats and water-crafts of every description.

Big Muddy  
navigable.

SEC. 2. *Be it further enacted,* That the Big Muddy river, in Clay county, be, and the same is hereby, declared a navigable stream as high up as township number five north, of range eight east; and Fox river, in Clay county, is also declared a navigable stream as high up as Watertown; which said streams shall remain free, open, and unobstructed, for all boats and water-crafts of every description whatever.

Fox river, in  
Clay co. nav-  
igable.

APPROVED, February 28, 1839.

In force, Feb.  
28, 1839.

AN ACT to create and establish the county of Jersey.

Boundaries  
of Jersey  
county.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that portion of the county of Greene lying south of the following described line, viz: Beginning in the centre of the Macoupin creek, on the east line of said county; thence, running down the centre of said creek, to the line in the middle of township number nine north, range number eleven west; thence, south, on said line in the middle of said township, to the township line dividing township number eight and nine north; thence, west, along said line, until it strikes the centre of Macoupin creek: thence, down the centre of said creek, to the centre of the Illinois river, shall constitute a new county, to be called the county of Jersey.

Conditions of  
creation.

SEC. 2. The county aforesaid is created upon the following conditions: The people of the county of Greene, as the same is now organized, shall meet at the several places of holding elections for the election of justices and constables in said county, on the first Monday in August next, and proceed to vote for or against the erection of said county; and on said day the judges of election shall open a poll [book] at each election district, in which they shall rule two columns, in one of which they shall set down the votes given for the erection of said county, and in the other column the votes given against the same, and make returns to the clerk of the county commissioners' court of Greene county, in the same manner as is provided for by law in the case of elections for Senators and Repre-

Vote for or  
against.



sentatives to the General Assembly, and said return shall be opened and counted in the same manner as in such elections; and if a majority of all the votes given at said election shall be in favor of the creation of said county, a certificate thereof shall be made by the clerk of said county commissioners' court of Greene county, under the seal of said court, and transmitted by him to the office of the Secretary of State of the State of Illinois, to be filed in his office as evidence of the existence of said county; and said clerk shall make a like certificate, and file the same in his office, which shall be entered on record at the next succeeding term of the county commissioners' court, and shall be sufficient to prove the fact therein stated; after which said county shall be one of the counties of the State of Illinois. The clerk of the county commissioners' court of Greene county shall cause a notice of said election to be published in the "Backwoodsman," a newspaper published in the town of Grafton, in said county, if said newspaper shall be continued.

Certificate to be sent to Sec. State.

Notice of election in "Backwoodsman."

SEC. 3. Said county shall vote with the county of Greene and Calhoun, for Senators and Representatives, until the next apportionment, the same as if no change had been made; and said county shall make a part of the first judicial circuit; and so soon as said county shall be organized, the clerk of the county commissioners' court of said county, shall notify the judge of said circuit, and it shall be his duty to appoint a clerk, and hold, twice in each year, a court in said county, at such time as said judge shall appoint; and on the first Monday in October next, said county shall proceed to elect all county officers for said county. The present judges of elections appointed by the county commissioners' court of Greene county, in the different precincts in said county of Jersey, shall act as judges of said election; and said election shall be conducted as similar elections, and returns of said election shall be made by the judges and clerks to Milo Bennett, Richard Graham, and Joseph Crabb. They, or a majority of them, shall meet at the town of Jerseyville, within ten days after said election, and proceed to open said returns, and, in all things in regard to said election, perform the duties required of the clerks of the county commissioners' court and justices of the peace in like cases; and the officers thus elected shall be commissioned and qualified as in other cases, and continue in office until the next general election for similar officers.

Election for Senators and Reps.

Jersey co. to form part of 1st judicial circuit Times of cir. court.

Election of county officers. Judges of election.

Returns to be opened.

SEC. 4. The school commissioners of the county of Greene shall pay and deliver over to the school commissioners of the county of Jersey all the school funds belonging to the several townships in said county of Jersey, and all notes and mortgages pertaining to the same, so soon as said county shall be organized and the school commissioners shall be appointed and qualified according to law, together with all interest arising out of said money that has not been heretofore expended for schools within that part of Greene county now proposed

Duty of school com'r.

to be set off into the county of Jersey; and the county commissioners' court of the county of Greene shall pay over to the county of Jersey their portion of funds received by Greene county out of the two hundred thousand dollars appropriated, by "An act to establish and maintain a general system of internal improvements," to those counties in which no railroads pass through, in proportion to the population in that part of Greene county hereby created into the county of Jersey, to be taken from the census of 1840, unless otherwise agreed upon by the county commissioners' court of each county; and the county commissioners' court of said county shall appropriate the same to such objects as was designed by the act creating a system of internal improvements.

Rights and  
privileges.

SEC. 5. The citizens of the county of Jersey hereby created are entitled in all respects to the same rights and privileges as are allowed in general to other counties in this State; and all suits, commenced in the circuit court of Greene county before the first day of August next, shall be determined in said circuit court, the same as if this act had not passed.

County seat.

Proviso.

SEC. 6. The seat of justice of said county shall be permanently established at Jerseyville: *Provided* the citizens of Jerseyville and its vicinity will build, at their own expense, a good and suitable jail and court house for said county, and furnish a suitable lot of ground to set them on, not less than one acre: *And it is further provided*, That if the citizens of the town of Jerseyville and its vicinity shall not satisfy the county commissioners' court of said county, with eighteen months after said county is organized, that they will comply with the provisions of this section, the county commissioners' court of said county may order an election to be held in the different precincts in said county for the purpose of again locating the county seat, and the place receiving the highest number of votes shall thereafter be the county seat of said county; but, until the citizens of Jerseyville and its vicinity shall refuse or neglect to comply with the provisions of this section, the seat of justice of said county shall remain at Jerseyville.

Proviso.

SEC. 7. This act shall take effect, according to the conditions thereof, from and after its passage.

Clerk to make  
tax-list.

SEC. 8. It shall be the duty of the clerk of the county commissioners' court of Greene county to make out and deliver over to the sheriff or collector of the county of Jersey, so soon as said sheriff or collector of said county is elected and qualified, a true copy of the assessor's book for the year one thousand eight hundred and thirty-nine, of all property, both real and personal, assessed in that part of Greene county hereby created into the county of Jersey; and the sheriff or collector of the county of Jersey shall proceed to collect and pay over the same for the benefit of said county of Jersey in the same manner as other sheriffs or collectors in other counties in this State; and a copy of the assessor's books of

of the county of Greene on all assessable property in that part of Greene county hereby created into the county of Jersey, for the year one thousand eight hundred and thirty-nine, furnished as aforesaid, shall be sufficient authority to proceed and collect the same agreeably to law. Nothing in this act shall prevent the sheriff of Greene county from collecting any outstanding tax in that part of Greene county created into the county of Jersey, accrued before the year one thousand eight hundred and thirty-nine.

APPROVED, February 28, 1839.

AN ACT to establish a justice's district in township seven north, range seven east, in Peoria county. In force, Mar. 1, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that district included within the boundaries of township seven north, range seven east, in the county of Peoria, be, and the same is hereby, constituted a district for the election of a justice of the peace and constable. Justices' district.

SEC. 2. The county commissioners' court of the county of Peoria are hereby authorized and required to cause an election to be held on or before the first Monday in August next, and [at] each quadrennial election thereafter, for one justice of the peace and one constable in said district. The persons so elected shall have and exercise the same jurisdiction, hold their offices by the same tenure, and be under the same regulations in all respects, as other justices of the peace and constables in this State. Election.

APPROVED, March 1, 1839.

AN ACT fixing the salary of the Governor, and requiring him to reside at the seat of Government. In force, Mar. 1, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the salary of each and every Governor hereafter elected in this State shall be two thousand dollars per annum, payable quarterly, out of any money in the treasury not otherwise appropriated; and each and every such Governor shall reside at the seat of Government during his term of service. Salary of Governor.  
To reside at seat of gov't.

APPROVED, March 1, 1839.



In force, Mar.  
1, 1839.

AN ACT to alter a certain road in Fayette county.

County com-  
missioners of  
Fayette may  
locate road.

Course of  
road.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners of Fayette county be, and they are hereby, authorized and required, upon the presentation of twenty petitioners who reside upon and near the road proposed in this act to be changed, [to] make an order directing a resurvey and relocation of the road leading from Greenville to Shelbyville as lies in Fayette county, beginning in section numbered twenty-nine, and running north until it passes through the land of James S. Kirk; and thence, bearing a little east of north, until it passes through the land of H. B. Haines; and thence, running a due east course, until it passes between H. B. Haines' and Louisa White's land until it strikes the old road; and, when resurveyed and relocated, shall be kept in repair as other State roads in this State: *Provided* said relocation shall not operate to the injury of the neighborhood and the inconvenience of the travelling community. This act to be in force from and after its passage.

APPROVED, March 1, 1839.

In force, Mar.  
1, 1839.

AN ACT changing the place of depositing the public money.

State Bank to  
be used by  
Treasurer as  
place of de-  
posit.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That from and after the removal of the Treasurer's office from Vandalia to Springfield, the State Bank of Illinois shall be used by the Treasurer as the place of depositing the public money, instead of the Branch Bank at Vandalia, under the provisions of the act, entitled "An act to provide for the safe-keeping and security of the public money," approved on the fourth day of March, one thousand eight hundred and thirty-seven.

APPROVED, March 1, 1839.

In force, June  
1, 1839.

AN ACT to encourage the culture of silk.

Premium for  
cocoon of  
silk.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That for the purpose of encouraging the culture of silk, there shall be paid out of the treasury of the State a premium of one dollar to every person who shall produce ten pounds weight of cocoons of silk, being the work of silk worms raised by him or her within this State; and in the same proportion for any larger quantity of cocoons.

SEC. 2. There shall be allowed and paid out of the treasury of the State, to every person who shall reel or cause to be reeled, and to every person who shall throw or cause to be

thrown in this State, from cocoons produced from silk worms raised in this State, a merchantable silk capable of being manufactured into the various silk fabrics, or to the legal representatives of such person, one dollar for every pound of silk so reeled and thrown, and fifty cents for every pound of silk reeled without being thrown.

SEC. 3. The provisions of this act shall not apply to Bodies politic excepted bodies politic and corporate.

SEC. 4. Before any person shall be entitled to receive the Proof. bounty as provided in this act, he, she, or they, shall prove to the satisfaction of some justice of the peace of the justice's district in which such person resides, that the silk worms which produced the cocoons or silk for which the bounty is claimed, were raised by him or her within such justice's district; and the same shall be exhibited and weighed in the presence of such justice, who shall examine such person or persons, on oath, in relation to the same; and if such justice shall be fully satisfied that the same applicant did raise and produce the cocoons or silk so offered within said justice's district, such justice shall thereupon give to such person a certificate of the following tenor:

STATE OF ILLINOIS, } *ss.*  
County of

This day, A. B. personally appeared before me a justice Certificate of Justice peace. of the peace in and for the county and State aforesaid, and exhibited pounds of cocoons (or pounds of reeled silk, or pounds of reeled and thrown silk, as the case may be) and made satisfactory proof that the same were raised by the said A. B. in said county and State, the present (or past) year; and also made oath that neither the same nor any part thereof have ever before been presented or offered for the purpose of obtaining the premium or bounty thereon allowed by law.

Given under my hand and seal, this day of in the year of our Lord eighteen hundred and

C. D., *Justice of the Peace.* [L. s.]

SEC. 5. This act shall take effect on the first day of June next, and shall remain in force five years.

APPROVED, March 1, 1839.

---

AN ACT to authorize the sale of the saline lands in Bond county.

In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Thomas Keys and Jacob Drake, of Bond county, are hereby constituted commissioners of the saline lands lying within the county of Bond, in the State of Illinois; and the said Thomas Keys and Jacob Drake, commissioners as aforesaid, are hereby authorized to Com'rs of saline lands. make sale, on a credit of one and two years, of all or any part Lands may be sold on credit.

- of said saline lands lying within the county aforesaid, and belonging to the State of Illinois: *Provided, however,* They shall first cause notice to be given through some one of the public newspapers printed in this State, and by posting up written or printed notices in three of the most public places in the county aforesaid, for six weeks successively prior to the day of sale, setting forth in said notices the terms, time, manner, and place of such sale.
- Proviso.**
- Length of credit.** SEC. 2. Said sale shall be between the hours of nine of the clock in the morning and six of the clock in the evening, and on a credit of one year for one-half, and two years for the balance, the purchaser entering into bond, with approved security, payable to Thomas Keys and Jacob Drake, commissioners as aforesaid, for the use of the State of Illinois, for the payment of the purchase money; the said lands to be sold in lots not to exceed forty acres each, and may be sold in lots containing a less number of acres, should said commissioners think advisable. In no case shall any of said saline lands be sold for a less sum than one dollar and twenty-five cents per acre.
- No. of acres in lots sold.**
- Appropriation of funds raised from sales.** SEC. 3. The funds that may be raised by the sale of said saline lands aforesaid shall go into and form a part of the common school fund of this State; and when the same is realized, or any part thereof, the commissioners aforesaid shall pay the same over to the school commissioners for the State of Illinois.
- Com'rs to give bond.** SEC. 4. The said Thomas Keys and Jacob Drake, commissioners as aforesaid, shall, before entering upon the duties of their office, enter into bond, in the penal sum of three thousand dollars, payable to the Governor, for the use of the People of the State of Illinois, conditioned for the faithful performance and discharge of their duties as commissioners aforesaid, and for the payment and delivery promptly of all funds arising from the sale of the saline lands aforesaid to the school commissioners aforesaid.
- Certificate of purchase.** SEC. 5. In every case of the sale of any tract or tracts of land aforesaid by the commissioners aforesaid, the terms of sale having been first complied with, a certificate of purchase shall be given by the commissioners to the purchaser in the same manner as now are given by school commissioners in the several counties of this State upon the sale of any of the school lands; and the said commissioners shall forthwith notify the proper department of State of any such sale, and a patent shall issue to the purchaser in the same manner as patents are now issued for school lands sold under the existing laws in relation thereto.
- Pay of com'rs.** SEC. 6. The said commissioners may, and they are hereby authorized to retain out of the amount of four cent. as a compensation for their services as commissioners, including the trouble and expense of advertising.
- SEC. 7. This act to take effect from and after its passage.
- APPROVED, March 2, 1839.



AN ACT relating to common schools in the city of Chicago, and for other purposes. In force, Mar. 1, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the school lands and school funds of township thirty-nine north, range four-  
 teen, east of the third principal meridian, be, and the same are hereby, vested in the city of Chicago; and the common council of said city shall at all times have power to do all acts and things in relation to said school lands and school funds which they may think proper to their safe preservation and efficient management, and to sell or lease said lands on such terms and at such times as said common council shall deem most advantageous, and, on such sale or sales, leasing or lease-  
 ings, to make, execute, and deliver all proper conveyances therefor; which said conveyances shall be signed by the mayor of said city, and countersigned by the clerk thereof, and sealed with the corporate seal of said city: *Provided,* That the proceeds arising from such sales shall be added to, and constitute a part of, the school fund of said township: *And provided,* That nothing shall be done to impair the principal of said fund, or to appropriate the interest accruing from the same to any other purpose than the support of public schools in said township: *And provided, further,* That any schools established in said township, and without the limits of said city, shall be entitled to the same benefits and advantages from said fund as they would be without the passage of this act.

Lands and funds vested in city of Chicago.

Proviso.

SEC. 2. It shall be the duty of the commissioners of school lands for Cook county to deliver, to such person or persons as the common council of the city of Chicago shall direct, all the books, papers, notes, mortgages, or other evidences of debt belonging to the said school fund of said township thirty-nine, and all moneys belonging to the same, taking the receipt of such person or persons therefor; which said receipt shall be a full indemnity to him for so doing.

SEC. 3. The common council of the city of Chicago shall have power to raise all sufficient sum or sums of money, by taxing the real and personal estate in said city, for the following purposes, to wit: To build school-houses; to establish, support, and maintain, common and public schools, and to supply the inadequacy of the school fund for the payment of teachers; to purchase or lease a site or sites for school-houses; to erect, hire, or purchase buildings suitable for said school-houses; to keep in repair and furnish the same with necessary fixtures and furniture, whenever they may deem it expedient; and the taxes for that purpose shall be assessed and collected in the same manner that other city taxes are or may be. The said common council shall also have power to fix the amount of the compensation to be allowed to the teachers in the different schools, prescribe the school books to be used, and the studies to be taught in the different schools, and to pass all such ordi-

Powers of com. council.

Further duty of common council.

nances and by-laws as they may from time deem necessary in relation to said schools and the government and management of the same, and of the school lands and funds belonging to the said township.

**Inspectors of com. schools.** SEC. 4. The said common council shall annually appoint seven persons for inspectors of common schools, and three persons in each district to be trustees of common schools in and for said district, whose powers and duties shall be prescribed by said common council.

**Acts repealed** SEC. 5. Sections eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety, and ninety-one, of the act, entitled "An act to incorporate the city of Chicago," passed 4th March, 1837, and all other acts and parts of acts coming within the perview of this act, be, and the same are hereby, repealed, so far as they relate to the said township thirty-nine, or the city of Chicago.

APPROVED, March 1, 1839.

**In force, Mar. 1, 1839.**

AN ACT for the formation of Lake county.

**Boundary of Lake county.** SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that portion of McHenry county east of a range or sectional line not less than three miles, nor more than four miles, east of the present county seat of McHenry county, shall constitute a new county, to be called the county of Lake.

**Com'rs to locate co. seat.** SEC. 2. That Edward E. Hunter and William Brown, of Cook county, and Col. E. C. Berry, of Fayette county, be, and are hereby, appointed commissioners to locate the seat of justice of said county. Said commissioners, or a majority of them, shall meet at the house of Henry B. Steel, at Independence Grove, in said county, on the first Monday in May next, or as soon thereafter as may be, and, after being duly qualified by some justice of the peace faithfully to perform the duties required of them by this act, shall proceed to locate and establish the permanent seat of justice of said county, having due regard to the geographical situation, the settlement, and the convenience of the present and future population of said county. The claimants on land where said county seat may be located shall donate and convey their right and title to not less than twenty acres of land to the county commissioners of said county, as soon as said county shall be organized, for the use and benefit of said county, on which the public buildings shall be erected; and it shall be the duty of the said county commissioners to purchase and secure a title to the same, from the funds of the county, when said land comes into market.

**Election of co. officers.** SEC. 3. That the legal voters of said county shall meet at the several places where elections were held in said county at

the last general election, on the first Monday in August next, and proceed to elect county officers; and returns of said elections shall be made by the judges and clerks to the clerk of the county commissioners' court of McHenry county, according to law as in other cases; and said clerk shall give certificates of election; and when the county commissioners shall be elected and qualified, the said county of Lake shall be duly organized.

SEC. 4. That said county of Lake shall be attached to the seventh judicial district; the judges of said circuit shall have power to fix the times of [holding] the circuit court; and the county commissioners shall determine the place of holding courts until public buildings shall be erected. Co. of Lake  
attached to  
7th jud. cir.

SEC. 5. That after the election of county officers as herein provided, the persons elected county commissioners are hereby authorized to administer the oaths of office to each other, and to all other officers of said county.

SEC. 6. That the commissioners appointed to locate the county seat shall each receive the sum of three dollars per day, for the time necessarily employed in locating the same, out of the county treasury. Compensation.

APPROVED, March 1, 1839.

AN ACT to amend the law in relation to sheriffs and coroners.

In force, Mar.  
1, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful for the clerk of the circuit court in any county in this State on the application of the plaintiff in any judgment where an execution can properly be issued, and an affidavit being filed by the plaintiff, his agent or attorney, that the sheriff has failed to pay over money collected by him on any previous execution in favor of the same plaintiff, or any other person, on demand made therefor by the plaintiff in such previous execution, his agent or attorney, to issue execution directed to the coroner of the county, who shall be authorized and required to perform all duties in relation to said execution which the sheriff is authorized and required to [perform] where the execution is directed to him. Where sh'ff.  
fails to pay  
over money.  
execution to  
issue.

APPROVED, March 1, 1839.

AN ACT to relocate the seat of justice of Livingston county.

In force, Mar.  
1, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That at the election to be held in the several precincts within the county of Livingston, on the first Monday in August next, it shall be lawful for the qualified voters of the said county to vote for or against the removal of the county seat from Pontiac; and if it shall appear Vote for or  
against remo-  
val of co. seat



Permanent  
location.

from the returns of the said election that two-thirds of all the votes given shall be in favor of a removal of the county seat, and also that a majority of all the votes given at the said election shall be in favor of any other place within said county, then said county seat shall be removed; and the place receiving the number of votes required by this act shall be and remain forever the permanent seat of justice for the said county of Livingston.

SEC. 2. Donations of land or claims may be offered at least twenty days previous to the day of election, in the following manner, to wit: Any person or persons offering donations of land or claims shall file, with the clerk of the county commissioners' court of said county, a good and sufficient bond, to be accepted by the county commissioners' court, in term time or in vacation, binding himself or themselves to donate or relinquish to the said county of Livingston any quantity of land not less than fifty acres, the Government price of which shall be paid by the donor, in such manner as the county commissioners may require.

Special en-  
tries of record

SEC. 3. It shall be the duty of the county commissioners' court to cause special entries to be made of record of the result of said elections, and file and preserve said returns or poll-books for inspection; to lay off into lots and dispose of said donation to the best advantage for the interest of the county, the proceeds of which shall be applied to the erection of a court house and other public buildings, which shall be erected without unnecessary delay.

Books and pa-  
pers to be re-  
moved.

SEC. 4. In case the seat of justice shall be removed, all the books, papers, and records, belonging or pertaining to the county of Livingston, shall be removed to the place selected within three months thereafter, and the courts shall be holden there, and process returned accordingly.

Co. seat may  
be located on  
U. S. land.

SEC. 5. That nothing contained in this act shall be so construed as to prevent the said county seat from being located on lands belonging to the Government of the United States, and on which no pre-emption right exists. This act to be in force from and after its passage.

APPROVED, March 1, 1839.

In force, Mar.  
1, 1839.

AN ACT to relocate part of a State road from Quincy to Macomb.

Com'rs to  
locate road.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That B. Whitaker, Sevier Tadlock, and S. B. Garnett, of the county of Hancock, are hereby appointed commissioners to relocate a part of the State road leading from Quincy, in Adams county, to Macomb, in McDonough county.*

SEC. 2. Said commissioners, or a majority of them, shall meet in the town of Plymouth, in Hancock county, on or be-

fore the first day of May next, or within three months there-  
 after, and, after being duly sworn by some justice of the peace  
 of said county to faithfully and impartially relocate said road,  
 shall commence at or near the town of Plymouth, in Hancock  
 county, and relocate said road to the south line of said county  
 upon the most suitable ground, so as to intersect said road  
 again where said road crosses the line between Hancock and  
 Adams counties; and when the said road shall have been thus  
 relocated, it shall be deemed a public State road, and shall  
 be kept in repair as such.

Time and  
 place of  
 meeting.

SEC. 3. Said commissioners shall receive for their services  
 a reasonable compensation, to be paid out of the county  
 treasury of Hancock county, by order of said county court.  
 So much of said road as said commissioners shall deem expe-  
 dient to change is hereby vacated.

Compensa-  
 tion.

APPROVED, March 1, 1839.

---

AN ACT to authorize a loan of money.

In force, Mar-  
 1, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois,*  
*represented in the General Assembly,* That the Governor is  
 hereby authorized to borrow, on the credit of the State, a sum  
 of money not exceeding one hundred and twenty-eight thou-  
 sand dollars; and the sum so borrowed shall be applied to the  
 payment of the ordinary expenses of the Government, and  
 all other appropriations by law: *Provided,* That no engage-  
 ment or contract shall be entered into which shall preclude  
 the State from reimbursing any sum or sums thus borrowed,  
 at any time after the thirty-first day of December, eighteen  
 hundred and sixty.

Gov. to bor-  
 row money.  
 Amount.

SEC. 2. The Governor is hereby authorized to cause to be  
 constituted certificates of stock, signed by the Auditor and  
 countersigned by the Treasurer, bearing an interest not ex-  
 ceeding six per centum per annum, payable, semi-annually, at  
 such places within the United States as may be agreed upon  
 between the Governor and person or persons, or corporation,  
 with whom the contract may be made, and reimbursable as  
 aforesaid; which stock, thus created, shall be transferable on  
 the books of the Auditor, or on the books of such agent or  
 agents as the Governor may appoint for that purpose in any  
 part of the United States, by the owner or owners of such  
 stock, his, her, or their attorneys; and new certificates of the  
 same shall be issued to the new holder or holders, either by  
 the Auditor and Treasurer, or by such agent or agents author-  
 ized to receive such transfers, at the option of the holders of  
 any such stock, the original certificate of stock being thereup-  
 on cancelled at the time of issuing the new certificates of  
 stock in lieu thereof; and if such new certificates of stock be  
 issued by the Auditor and Treasurer, or agent or agents so ap-  
 pointed by the Governor, then the original certificates of stock,

Certificate of  
 stock.

Gov. to ap-  
 point agent.

New certifi-  
 cates.



thus cancelled, shall be transmitted to the Treasurer of this State without delay, and deposited in his office, there to remain. And it is hereby further declared that it shall be deemed to be a good execution of the said power to borrow, for the Governor of this State to cause the said certificates of stock, or any part thereof, to be sold: *Provided*, That such certificates of stock shall not in any case be sold for less than their par value.

Duty of Aud.  
& Treasurer.

SEC. 3. It shall be the duty of the Auditor and Treasurer to procure a sufficient number of blank certificates of stock, and the necessary books, the expense of which shall be paid out of any money in the treasury not otherwise appropriated.

APPROVED, March 1, 1839.

In force, June  
1, 1839.

AN ACT defining and regulating proceedings in the action of ejectment.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the action of ejectment shall be retained, and may be brought in the cases and the manner heretofore accustomed, subject to the provision hereinafter contained.

When action  
may be bro't.  
First.

SEC. 2. It may also be brought—

1st. In the same cases in which a writ of right may now be brought by law to recover lands, tenements, or hereditaments, and by any person claiming an estate therein in fee or for life, either as heir, devisee, or purchaser.

Second.  
By widow.

2d. By any widow entitled to dower, or by a woman so entitled and her husband, after the expiration of six months from the time her right accrued, to recover her dower of any lands, tenements, or hereditaments.

SEC. 3. No person shall recover in ejectment unless he has, at the time of commencing the action, a valid subsisting interest in the premises claimed, and a right to recover the same, or to recover the possession thereof, or of some share, interest, or portion thereof, to be proved and established at the trial.

If premises  
are occupied.

SEC. 4. If the premises for which the action is brought are actually occupied by any person, such actual occupant shall be named defendant in the declaration; if they are not so occupied, the action shall be brought against some person exercising acts of ownership on the premises claimed, or claiming title thereto, or some interest therein, at the commencement of the suit.

Action, how  
commenced.

SEC. 5. The action shall be commenced by the service of a declaration, in which the names of the real claimants shall be inserted as plaintiffs; and all the provisions of law concerning lessors of a plaintiff shall apply to such plaintiffs.

Use of ficti-  
tious names,  
&c., abolish-  
ed.

SEC. 6. The use of fictitious names of plaintiffs or defendants, and of the names of any other than the real claimants and the real defendants, and the statements of any lease or



demise to the plaintiff, and of an ejectment by a casual or nominal ejector, are hereby abolished.

SEC. 7. It shall be sufficient for the plaintiff to aver in his declaration that (on some day therein to be specified, and <sup>Averment of</sup> plaintiff. which shall be after his title accrued) he was possessed of the premises in question, (describing them as hereinafter provided) and being so possessed thereof, that the defendant afterwards, (on some day to be stated) entered into such premises, and that he unlawfully withholds from the plaintiff the possession thereof, to his damage any nominal sum the plaintiff shall think proper to state; and the premises so claimed shall be described in such declaration with convenient certainty, so that, from such description, possession of the premises claimed may be delivered. If such plaintiff claims any undivided share or interest in any premises, he shall state the same particularly in such declaration.

SEC. 8. If the action be brought for the recovery of dower, <sup>If for dower.</sup> the declaration shall state that the plaintiff was possessed of the one undivided third part of the premises, as her reasonable dower, as widow of her husband, naming him. In every other case the plaintiff shall state whether he claims in fee, or whether he claims for his own life, or the life of another, or for a term of years, specifying such life or the duration of such term.

SEC. 9. In any case other than where the action shall be <sup>In other cases</sup> brought for the recovery of a dower, the declaration may contain several counts, and several parties may be named as plaintiffs jointly in one count, and separately in others.

SEC. 10. To such declaration their shall be subjoined a <sup>Notice with</sup> notice, in writing, by the plaintiff or his attorney, addressed <sup>declaration.</sup> to the defendant, and notifying him—

1st. That the said declaration will be filed on some day <sup>First.</sup> in the then next term of the court in which the action is <sup>Declaration</sup> brought, specifying such day; or, if the same be served during <sup>filed.</sup> the term of any court, that it will be filed on some day in such term, specifying the same.

2d. That, upon filing the same, a rule will be entered re- <sup>Second.</sup> quiring such defendant to appear and plead to such declara- <sup>Rule entered.</sup> tion, within twenty days after the entry of such rule; and,

3d. That, if he neglect so to appear and plead, a judgment <sup>Third.</sup> by default will be entered against him, and the plaintiff will <sup>Judgment by</sup> recover possession of the premises. <sup>default.</sup>

SEC. 11. If the premises are actually occupied, the declaration shall be served by delivering a copy thereof, with the <sup>Service of</sup> notice above prescribed, to the defendant named therein who <sup>declaration.</sup> shall be in the occupancy thereof, or by leaving the same with some white person of the family, of the age of ten years or upwards, at the dwelling-house of such defendant, if he be absent.

SEC. 12. If the premises claimed are not actually occu- <sup>If premises</sup> pied, the declaration and notice shall be served on the defendant <sup>are not occu-</sup>  <sup>pied.</sup>

named therein, or, if he cannot be found, by leaving the same with some white person, of the age of ten years or upwards, at the residence of the defendant; but where the declaration shall have been served in any other manner than upon the defendant personally, no rule to plead shall be entered without the special order of the court.

Affidavit of service.

SEC. 13. Instead of the rule to appear and enter into the consent rule as heretofore accustomed, the plaintiff, on the day specified for that purpose in the notice aforesaid, or on some day thereafter, upon filing the declaration with an affidavit of the service of a copy thereof, and of the notice hereinbefore required, shall be entitled to enter a rule requiring the defendant to appear and plead within twenty days after the entering of such rule; and in case the defendant shall neglect so to appear and plead within such time, his default shall be entered.

Defendant may apply for authority of plaintiff to commence suit.

SEC. 14. A defendant in ejectment may, at any time before pleading, apply to the court, or to any judge thereof in vacation, to compel the attorney for the plaintiff to produce to such court or officer his authority for commencing the action in the name of any plaintiff therein. Such application shall be accompanied by an affidavit of the defendant that he has not been served with proof, in any way, of the authority of the attorney to use the name of the plaintiff stated in the declaration.

Court to grant order.

Proceedings stayed.

SEC. 15. Upon such application, the court or officer shall grant an order requiring the production of such authority, and shall stay all proceedings in the action until the same shall be produced. Any written request of such plaintiff or his agent to commence such action, or any written recognition of the authority of the attorney to commence the same, duly proved by the affidavit of such attorney, or other competent witness, shall be sufficient presumptive evidence of such authority.

Application, when dismissed.

SEC. 16. If it shall appear that, previous to such application by any defendant, he was served with a copy of the affidavit of the plaintiff's attorney showing his authority to bring such action, such application shall be dismissed; and such defendant shall be liable for the costs of such application, the payment of which may be compelled by attachment as in other cases, which may be issued upon proof of disobedience to the order of the court or officer directing the payment of such costs.

Payment of costs.

Defendant may demur.

Filing plea.

Evidence of defendant.

SEC. 17. The defendant may demur to the declaration as in personal actions, or he shall plead the general issue only, which shall be that the defendant is not guilty of unlawfully withholding the premises claimed by the plaintiff as alleged in the declaration; and the filing of such plea or demurrer shall be deemed an appearance in the cause; and upon such plea, the defendant may give the same matter in evidence, and the same proceedings shall be had, as upon the plea of not guilty in the present action of ejectment, except as herein otherwise



provided. The defendant may likewise give in evidence any matter which, if pleaded in the present writ of right, or action of dower, would bar the action of the plaintiff.

SEC. 18. The consent rule heretofore used is hereby abolished. Consent rule abolished.

SEC. 19. It shall not be necessary for the plaintiff to prove an actual entry under title, nor the actual receipt of any of the profits of the premises demanded; but it shall be sufficient for him to show a right to the possession of such premises at the time of the commencement of the suit, as heir, devisee, purchaser, or otherwise. Right to possession.

SEC. 20. It shall not be necessary on the trial for the defendant to confess, nor for the plaintiff to prove, lease, entry, and ouster, or either of them, except as provided in the next section; but this section shall not be construed to impair, nor in any way to affect, any of the rules of evidence now in force in regard to the maintenance and defence of the action.

SEC. 21. If the action be brought by one or more tenants in common, or joint tenants against their co-tenants, the plaintiff, in addition to all other evidence which he may be bound to give, shall be required to prove, on the trial of the cause, that the defendant actually ousted such plaintiff, or did some other act amounting to a total denial of his right as such co-tenant. Action bro't by tenants.

SEC. 22. If the action be brought against several defendants, and a joint possession of all be proved, the plaintiff shall be entitled to a verdict against all, whether they shall have pleaded separately or jointly.

SEC. 23. When the action is against several defendants, if it appear on the trial that any of them occupy distinct parcels in severalty or jointly, the plaintiff shall elect, at the trial, against which he will proceed; which election shall be made before the testimony in the cause shall be deemed to be closed; and a verdict shall thereupon be rendered for the defendants not so proceeded against. Verdict for defendant.

SEC. 24. In the following cases, the verdict shall be rendered as follows:—

1st. If it be shown on the trial that all the plaintiffs have a right to recover the possession of the premises, the verdict in that respect shall be for the plaintiffs generally.

2d. If it appear that one or more of the plaintiffs have a right to the possession of the premises, and that one or more have not such right, the verdict shall specify for which plaintiff the jury find, and as to which plaintiff they find for the defendant. Verdict to specify.

3d. If the verdict be for any plaintiff, and there be several defendants, the verdict shall be rendered against such of them as were in possession of the premises, or as claimed title thereto, at the commencement of the action. Verdict for plaintiff.

4th. If the verdict be for all the premises claimed as specified in the declaration, it shall, in that respect, be for such premises generally. Verdict for all claims.



Verdict for part.

5th. If the verdict be for a part of the premises described in such declaration, the verdict shall particularly specify such part, as the same shall have been proved, with the same certainty hereinbefore required, in the description of the premises claimed.

Undivided share.

6th. If the verdict be for an undivided share or interest in the premises claimed, it shall specify such share or interest; and if for an undivided share in a part of the premises claimed, it shall specify such share, and shall describe such part of the premises as hereinbefore required.

Specifications of verdict.

7th. The verdict shall also specify the estate which shall have been established on the trial by the plaintiff in whose favor it shall be rendered, whether such estate be in fee, for his own life, or for the life of another, stating such lives; or whether it be for a term of years, and specifying the duration of such term.

Expiration of right.

SEC. 25. If the right or title of a plaintiff in ejectment expire after the commencement of the suit, but before trial, the verdict shall be returned according to the fact, and judgment shall be entered that he recover his damages by reason of the withholding of the premises by the defendant, to be assessed; and that as to the premises claimed, the defendant go thereoff without delay.

Action not to abate by death of plaintiff.

SEC. 26. The action of ejectment shall not be abated by the death of any plaintiff, or of one of several defendants, after issue and before verdict and judgment, but the same proceedings may be had as in other actions, to substitute the names of those who may succeed to the title of the plaintiff so dying; in which case the issue shall be tried as between the original parties; and in case of the death of a defendant the cause shall proceed against the other defendants.

If action of plaintiff prevail.

SEC. 27. In cases where no other provision is made, the judgment in the action, if the plaintiff prevail, shall be, that the plaintiff recover the possession of the premises according to the verdict of the jury, if there was such verdict; or, if the judgment be by default, according to the description thereof in the declaration, with costs to be taxed.

Writ of possession.

SEC. 28. The plaintiff recovering judgment shall be entitled to a writ of possession, which shall be substantially in the following form:

#### THE PEOPLE, &c., TO THE SHERIFF, &c.:

"Whereas A. B. has lately, in the circuit court held in and for the county of \_\_\_\_\_ by the judgment of the said court, recovered against C. D., one messuage, &c., (describing the premises recovered with the like certainty as above provided,) which said premises have been and are still unjustly withheld from the said A. B. by the said C. D., whereof he is convicted, as appears to us of record; and forasmuch as it is adjudged in the said court that the said A. B. have execution upon his

said judgment against the said C. D., according to the force, form, and effect of his said recovery: Therefore, we command you, that, without delay, you deliver to the said A. B. possession of the premises so recovered, with the appurtenances; and that you certify to, &c., at, &c., on, &c., in what manner you shall have executed this writ. (If there be costs to be collected, the proper clause may be here inserted, or a separate execution may be issued therefor.)"

"Witness, &c."

SEC. 29. Every judgment in the action of ejectment, rendered upon a verdict, shall be conclusive as to the title established, in such action, upon the party against whom the same is rendered, and against all persons claiming from, through, or under such party, by title accruing after the commencement of such action, subject to the exceptions hereinafter named. Judgment conclusive.

SEC. 30. The court in which such judgment shall be rendered, at any time within one year thereafter, upon the application of the party against whom the same was rendered, his heirs or assigns, and, upon the payment of all costs and damages recovered thereby, shall vacate such judgment, and grant a new trial in such cause; and the court, upon subsequent application made within one year after the rendering of the second judgment in said cause, if satisfied that justice will thereby be promoted, and the rights of the parties more satisfactorily ascertained and established, may vacate the judgment, and grant another new trial; but no more than two new trials shall be granted under this section. Court may vacate judgment.

SEC. 31. Every judgment in ejectment, rendered by default, shall, from and after two years from the time of entering the same, be conclusive upon the defendant, and upon all persons claiming from or through him by title accruing after the commencement of the action; but within two years after the entering of such judgment, on the application of the defendant, his heirs or assigns, and upon the payment of all costs and damages recovered thereby, the court may vacate such judgment, and grant a new trial, if such court shall be satisfied that justice will be promoted, and the rights of the parties more satisfactorily ascertained and established. Judgment by default.

SEC. 32. But if the defendant in such declaration, at the time of the entering the judgment by default, be either, 1st, within the age of twenty-one years; or, 2d, insane; or 3d, imprisoned on any criminal charge, or in execution upon some conviction of a criminal offence for any term less than for life; or, 4th, a married woman, the time during which such disability shall continue shall not be deemed any portion of the said two years; but any such person may bring an action for the recovery of such premises after that time, and within two years after such disability shall be removed, but not after that period. Disabilities, for which time may be prolonged.

SEC. 33. If the person entitled to commence such action shall die during the continuance of any disability specified in



Heirs may commence action.

the preceding section, and no determination or judgment be had of or upon the title, right, or action so to him accrued, his heirs may commence such action after the time above limited for that purpose, and within two years after his death.

Possession not affected by vacating judgment.

SEC. 34. If the plaintiff shall have taken possession of the premises by virtue of any recovery in ejectment, such possession shall not in any way be affected by the vacating of any judgment as herein provided; and if the defendant recover in any new trial hereby authorized, he shall be entitled to a writ of possession, in the same manner as if he was plaintiff.

Matters in bar of recovery.

SEC. 35. Upon any new trial granted as herein provided, the defendant may show any matters, in bar of a recovery, which he might show to entitle him to the possession of the premises if he were plaintiff in the action.

Judgment and damages.

SEC. 36. The plaintiff recovering judgment in ejectment in any of the cases in which such action may be maintained, shall also be entitled to recover damages against the defendant for the rents and profits of the premises recovered.

Suggestion of claim.

SEC. 37. Instead of the action of trespass for *mesne* profits heretofore used, the plaintiff seeking to recover such damages, shall, within one year after the entering of the judgment, make and file a suggestion of such claim, which shall be entered, with the proceedings thereon, upon the record of such judgment, or be attached thereto, as a continuation of the same.

SEC. 38. Such suggestion shall be substantially in the same form as is now in use for a declaration in an action of assumpsit for the use and occupation, as near as may be; and it shall be served on the defendant in the same manner heretofore prescribed respecting the service of a declaration in ejectment; and the same rules of pleading thereto shall be observed as upon declarations in personal actions.

Defendant may plead issue of non assumpsit.

SEC. 39. The defendant may plead the general issue of non-assumpsit, and, under such plea, may give notice of, or may plead specially, any matter in bar of such claim, except such as were or might have been controverted in such action of ejectment; but he may plead or give notice of a recovery by such defendant, or any other person, of the same premises, or of part thereof, subsequent to the verdict in such action of ejectment, in bar or in mitigation of the damages claimed by the plaintiff.

Issue of fact on suggestion.

SEC. 40. If any issue of fact be joined on such suggestion, it shall be tried as in other cases; and if such issue be found for the plaintiff, the same jury shall assess his damages to the amount of the *mesne* profits received by the defendant since he entered into possession of the premises, subject to the restrictions hereinafter contained.

Plaintiff to establish time of possession.

SEC. 41. On the trial of such issue, the plaintiff shall be required to establish, and the defendant may controvert, the time when such defendant entered into the possession of the



premises, the time during which he enjoyed the mesne profits thereof, and the value of such profits; and the record of the recovery in the action of ejectment shall not be evidence of such time. On such trial, the defendant shall have the same right to set off any improvements made on the premises, to the amount of the plaintiff's claim, as is now or shall hereafter be allowed by law; and in estimating the plaintiff's damages, the value of the use by the defendant of any improvements made by him shall not be allowed to the plaintiff.

SEC. 42. If no issue of fact be joined on such suggestion, or if judgment thereon be rendered against the defendant by default, on demurrer or otherwise, a writ of inquiry, to assess the value of such mesne profits, shall be issued, of the execution of which the same notice shall be given to the defendant, or his attorney, as in other cases. When issue of fact be not joined, writ of inquiry issued.

SEC. 43. Upon the execution of such writ, the plaintiff shall be required to establish the same matters herein before required in the case of an issue being joined, and the defendant may in like manner controvert the same, and make any set-off to which he shall be entitled; and the jury shall assess the damages in the same manner. The same proceedings shall be had on such writ, and it shall be returned as in other cases, with the inquisition taken thereon. Upon such inquisition, or upon the verdict of the jury in the case of the issue being joined, the court shall render judgment, as in actions of assumpsit, for use and occupation, which shall have the like effect in all respects.

SEC. 44. If the plaintiff in ejectment shall have died after issue joined or judgment therein, his personal representatives may enter a suggestion of such death, of the granting letters testamentary or of administration to them, and may suggest their claim to the mesne profits of the premises recovered, in the same manner, and with the like effect, as the deceased; and the same proceedings in all respects shall be had thereon. In case of death of p<sup>l</sup>ff.

SEC. 45. If the action be brought to recover the dower of any widow, which shall not have been admeasured to her before the commencement of such action, instead of a writ of possession being issued, such plaintiff shall proceed to have her dower assigned to her in manner following: Action for dower.

1. Upon the rendition of judgment, the court, upon the motion of the plaintiff, shall appoint three respectable and disinterested freeholders, commissioners for the purpose of setting off and allotting to the plaintiff her dower out of the lands described in the record; and the commissioners so appointed shall proceed in like manner, possess the like powers, and be subject to the like obligations and control, as commissioners appointed pursuant to the act, entitled "An act for the speedy assignment of the dower, and partition of real estate." First assignment of dower.

2. Upon the approval of the report of the commissioners Second.

Approval of  
report of com-  
missioners.

by the court, a writ of possession shall be issued to the sheriff of the proper county, describing the premises assigned for the dower, and commanding the sheriff to put the plaintiff in possession thereof.

Compensa-  
tion of com<sup>rs</sup>

SEC. 46. The commissioners to be appointed under this act shall be allowed, as a compensation for their services, the sum of two dollars per day each, to be taxed as other costs. This act to take effect on the first day of June next; but rights acquired under the laws heretofore in force, relative to the action of ejectment, are not to be affected by this act. All laws contrary to the provisions of this act are hereby repealed.

Laws repeal-  
ed.

Act referred  
to.

SEC. 47. Nothing contained in this act shall be construed as repealing or changing the provisions of the act, entitled "An act concerning occupying claimants of land," approved on the twenty-third day of February, one thousand eight hundred and nineteen; but all the provisions of said act shall be and remain in full force, any thing in this act to the contrary notwithstanding.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839. AN ACT to amend an act, entitled "An act to create the county of Bureau."

Ad valorem  
tax in Prince-  
ton to be paid  
into county  
treasury;  
how appro-  
priated.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the president and trustees or other corporate authorities of the town of Princeton are hereby fully authorized and empowered to levy and collect an ad valorem tax upon all the real estate within the corporate limits of said town of Princeton, for the purpose of raising the sum of five thousand dollars; which tax, when collected, shall be paid into the county treasury, to be appropriated in defraying the expenses of erecting public buildings for the county of Bureau: said tax to be levied in any term of years, not exceeding three years, as the corporate authorities of the said town of Princeton may think best.

\$5,000 a full  
discharge.

SEC. 2. When said sum of five thousand dollars shall be collected and paid into the county treasury of the county of Bureau as aforesaid, it shall be a full discharge of all further demands against the owners and proprietors of said town of Princeton, or any person or persons directly or indirectly liable for such owners and proprietors.

On refusal to  
pay tax.

SEC. 3. Should the owner of any real estate lying within the town of Princeton fail or refuse to pay the tax authorized to be levied and collected by this act, and should there be no personal property belonging to the owners of such real estate within the limits of said town of Princeton, then and in that case the collecting officers of said corporation shall report such real estate as may be in arrears to the proper authority



of the said town of Princeton; which real estate, so returned, shall be proceeded against as is required by law for the collection of the State tax in such cases; and a lien is hereby created, in behalf of said corporation, upon the real estate within the limits of the town of Princeton aforesaid, for the purpose of securing the tax authorized to be levied and collected by this act.

SEC. 4. This act to be in force from and after its passage.

APPROVED, March 2, 1839.

AN ACT to construct a turnpike road from Charleston to Darwin.

In force, Mar.  
2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of thirty-five thousand dollars be, and the same is hereby, appropriated \$35,000 appropriated to build turnpike road. out of the internal improvement fund, to be applied and expended, under the direction and authority of the Board of Public Works, in opening and constructing a clay turnpike road from Charleston, via Marshall, to Darwin, in Clark county; the said road to be opened, constructed, and placed on the same footing, in regard to toll-gates and tolls, as the Great Western mail route between Vincennes and St. Louis: Tolls and gates. *Provided,* That the distributive share of the two hundred thousand dollars belonging to any county through which said road may pass shall compose a part of this appropriation. Proviso.

SEC. 2. The county commissioners' court of Clark county shall, without delay, appropriate three thousand dollars to improve the State road from York, via Martinsville, to Charleston, to be disbursed under the direction of Jonathan Medsker and Henry Harrison, jr. Duty of county com'rs of Clark county.

APPROVED, by the Council, March 2, 1839.

AN ACT for the formation of the county of Stark, and for other purposes. In force, Mar.  
2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That township fourteen north, range eight and the west half of nine, east of the fourth principal meridian, shall hereafter constitute and be part of the county of Bureau. Part of Bureau county.

SEC. 2. That townships twelve and thirteen north, of ranges five, six, and seven east, and township fourteen north, of ranges six and seven, east of the fourth principal meridian, shall constitute a new county, to be called Stark: Boundary of Stark co. *Provided, however,* That townships number twelve and thirteen, of range number five east, shall not constitute or compose any part of the county of Stark, except upon the condition that a majority of the legal voters in said township shall consent Exception.



Election for  
county.

Poll-books.

Examination  
of poll-books.

Part of Knox.

Boundaries  
established.

Com'rs to va-  
cate & locate  
all roads.

Com'rs of  
Marshall to  
commence  
suit against  
the treasurer  
of Putnam co.

thereto; and to enable the said voters to decide the question and give or withhold their consent, an election shall be held at the house of Henry McClanahan, on the third Monday of March, under the superintendence and direction of Jonathan Hodgson, Esq., Silas Richards, Henry McClanahan, and Conrad Emery, who shall act as judges and clerk of said election, and whose duty it shall be to attend at the time and place aforesaid, and hold an election. A poll-book shall be opened, with columns headed in favor of and against being included in the said county of Stark; and the legal voters aforesaid shall be permitted to vote for either proposition. The polls shall be kept open from nine o'clock, A. M., to five o'clock, P. M.; and upon receiving the votes, said judges and clerk shall certify the result upon the poll-book, and within five days thereafter deliver the said book, certified as aforesaid, to the clerk of the county commissioners' court of Knox county; and said clerk shall, in the presence of two justices of the peace of said county, or two of the county commissioners, open and examine the said poll-book and compare the certificate with the votes given, and thereupon make duplicate certificates of the result of said election, which shall be signed by said clerk and justices or commissioners as aforesaid; and if it shall appear that a majority of said votes are in favor of being included in the county of Stark, the said township shall be included in said county; otherwise, said township shall continue to form and constitute a part of the county of Knox. One of the certificates made as aforesaid shall be transmitted to the Secretary of State, to be by him filed with the enrolled bill enacting the county; and one shall be entered of record in the county commissioners' court of Knox county; but if the majority of said votes shall be against being included in said county, the certificates shall be transmitted and recorded as aforesaid, and the boundaries of the county of Stark shall be as fixed in the foregoing section, excluding the townships aforesaid. If the persons herein appointed to act as judges and clerk of said election, or any one of them, shall fail or refuse to act, the voters, when assembled, shall select others to act in their stead, who shall execute this act as though they were named herein. Notice of said election shall be posted up at three places in said township, at least five days preceding said election, by Henry McClanahan.

SEC. 3. That the county commissioners' courts of the counties of Bureau, Putnam, Marshall, and Stark, are hereby authorized and empowered to vacate, locate, and relocate, all roads within their respective counties, and to use and exercise exclusive jurisdiction in the premises.

SEC. 4. The county commissioners, when elected, of the county of Marshall, are hereby authorized and empowered, and it is hereby made their duty, to commence suit against the treasurer of Putnam county and his securities, for the sum of three thousand two hundred and ninety dollars, with interest thereon at the rate of twelve per cent. per annum from the

time of loaning the same until paid, it being the one-third part of the sum appropriated by the "Act establishing and maintaining a general system of internal improvement," to the county of Putnam, apportioned and paid over to said treasurer of Putnam county by the Fund Commissioners, and, by the "Act establishing the county of Marshall," given to said county of Marshall, unless said treasurer of the county of Putnam shall promptly upon demand pay to the commissioners of the county of Marshall said sum of three thousand two hundred and ninety dollars, with interest as aforesaid, *Provided, however,* That nothing in this act shall be so construed as to release the present commissioners of the county of Putnam from any liability which they may have incurred by illegally authorizing the funds aforesaid to be used for any other object except that for which they were legitimately appropriated. Proviso.

SEC. 5. The commissioners of the county of Stark, when elected, shall proceed immediately to demand of the county treasurer of Putnam county the one-sixth part of nine thousand eight hundred and seventy dollars, paid him by the Fund Commissioners, together with twelve per cent. per annum interest upon the one-sixth part of the sum aforesaid; and should the treasurer of the county of Putnam fail promptly to pay over the sum aforesaid, then it is hereby made the duty of the county commissioners of the county of Stark, to bring suit against the treasurer of Putnam county and his securities for the sum aforesaid, it being one thousand six hundred and forty-five dollars, together with interest as aforesaid from the time of loaning said money until paid—said sum being hereby appropriated to the county of Stark, to be applied agreeable to the provisions of "An act to establish and maintain a general system of internal improvement:" *Provided, however,* That nothing in this act shall be so construed as to release the present commissioners of the county of Putnam from any liability which they may have incurred by illegally authorizing the fund aforesaid to be used for any other object except that for which they were legitimately appropriated. Com'rs of Stark to demand proportion of \$200,000.  
To bring suit.  
Proviso.

SEC. 6. The county commissioners' court of the county of Putnam is hereby fully authorized and empowered to construct a road across the river bottom opposite the town of Hennepin, in the county of Bureau, and, together with the county commissioners' court of the county of Bureau, to exercise such control over said road, when constructed, as may be agreed on by them. Road across river bottom.

SEC. 7. That the legal voters of the county of Stark shall meet at the house of Elijah McClanahan, sr., in said county, on the first Monday in April next, and proceed to choose their own judges and clerks, who, after being duly sworn, shall proceed to open the polls and hold an election for the purpose of electing county officers. It shall be the duty of Moses Boardman, or, in case of his absence, any justice of the peace within Voters to choose judges of election for co. officers.



Notice of election.

the bounds of said county, to give at least ten days' notice of the time and place of holding said election, and, when said election is over, to give certificates of election to the persons elected county commissioners, and make returns to the Secretary of State for county officers.

Duty of commissioners.

SEC. 8. The county commissioners of said county of Stark shall meet at the house of Elijah McClanahan, senior, within ten days after their election, and, after being qualified, shall proceed to lay off said county into justices' districts and road districts, and order elections for all justices of the peace and constables, to levy a tax for all county purposes for the present year, unless the revenue law shall be changed, and to do and perform all the duties required of county commissioners' courts by law.

Courts, when held.

SEC. 9. The courts of said county shall be held at such place as the county commissioners' court may designate, until a suitable preparation can be made at the county seat; which county seat, when located, shall be called Toulon. Said county shall form a part of the same judicial circuit with the counties of Putnam and Marshall; and the circuit court shall be held for said county twice in each year, at such time as the judge of the said circuit may designate.

Senator and Rep. district.

SEC. 10. The qualified voters of the county of Stark, in all elections except county elections, shall vote with the Senatorial and Representative district composed of the counties of Peoria, Putnam, Bureau, and Marshall, until otherwise provided by law, but shall make election returns to the Secretary of State in the same manner that is now required by law from other counties in this State.

Duty of county clerk.

SEC. 11. It shall be the duty of the clerk of the county commissioners' court of Stark county to make the returns of election for Representative to the General Assembly to the clerk of the county of Putnam, and the returns for Senator to the county of Peoria, and shall proceed to compare said election returns as is now required by law in the Senatorial and Representative districts.

School com'r.

SEC. 12. The school commissioner of the county of Putnam shall, upon the application of the school commissioners of the counties of Marshall and Stark, pay over all moneys, books, and papers, relating to schools which may be in his hands belonging, or which should of right belong, to the counties of Marshall and Stark.

APPROVED, March 2, 1839.

---

In force, Mar. 2, 1839. AN ACT authorizing the sale of certain school lands in Vermilion county.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the county school commissioner in and for the county of Vermilion be, and he*



is hereby, authorized to sell and convey, in manner and form Com'r to sell as now prescribed by law, upon a petition of a majority of the lands. qualified voters of the several townships herein named, being satisfied that a majority thereof do petition the school lands, viz: section number sixteen, in township number eighteen Sections. north, of range number twelve, west of the second principal meridian, and section sixteen, in township number eighteen aforesaid, and range number thirteen, west of said meridian; which said lands may be sold as above stated, although said townships may not have the number of inhabitants required by the law now in force on that subject; and, being thus sold, the sale shall be valid.

APPROVED, March 2, 1839.

AN ACT concerning certain school funds in Wabash county.

In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the school commissioner of Wabash county, be, and he is hereby, authorized and required to pay over to the trustees of schools of the incorporated townships in said county, for common school purposes, the distributive share of the interest on the school, college, and seminary fund, paid to said county out of the State treasury for the years 1836 and 1837, *pro rata* with the census of the children in said townships, respectively, recently taken by order of the county commissioners' court of the said county, or hereafter to be taken, at the discretion of the court, including the interest which may have accrued thereon.

School com'r. to pay over money.

SEC. 2. The share of said funds which any township, not now incorporated, would be entitled to, shall be retained by the said school commissioner, and kept at interest, for the benefit of said townships, until they may become so incorporated, respectively; when the same shall be paid over to the trustees of schools thereof.

Share retained.

APPROVED, March 2, 1839.

AN ACT to authorize the Governor to appoint bank directors.

In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the Governor, by and with the advice and consent of the Senate, to appoint at every regular session of the General Assembly, five directors for the State Bank of Illinois, and nine directors of the Bank of Illinois, whose term of service shall continue for two years, and who shall remain in office until their successors are appointed and qualified.

Duty of Governor to appoint bank directors.

SEC. 2. The Governor of the State shall have power to appoint the directors contemplated by this act, when vacancies.

To fill vacancies.

cies may occur by death, resignation, or removal without the limits of this State; and persons thus appointed to fill such vacancies shall severally hold their offices until the close of the next session of the General Assembly.

Consent of  
bank to be  
given.

SEC. 3. Before this act shall take effect, the consent of the banks hereunto shall be first given by an entry on their books, made under the direction of the board of directors; which shall be certified under the seal of the corporation to the Secretary of State, the same to be by him filed in his office.

Part of act re-  
pealed.

SEC. 4. Upon the consent of the banks being given to the provisions of the act as herein provided, so much of the act, entitled "An act to increase the capital of certain banks, and to provide means to pay the interest on a loan authorized by 'An act, to establish and maintain a general system of internal improvement,'" as provides for the election of five directors to the State Bank of Illinois, and nine directors to the Bank of Illinois, by the General Assembly, is, and shall thereupon be, repealed.

Powers of di-  
rectors.

SEC. 5. The directors herein provided to be appointed by the Governor shall have the same power and be subject to the same restrictions as were granted to, or imposed upon, the directors authorized to be elected by the General Assembly under the provisions of the act above mentioned.

SEC. 6. That the Governor, during the present session of the General Assembly, shall, by and with the advice and consent of the Senate, appoint all the bank directors herein provided to be appointed; but such directors shall not take or hold the office of directors of such bank, until the said corporations shall have signified their assent to the provisions of this act as above provided.

SEC. 7. When the assent of either of said banks shall be certified to the Secretary of the State as herein provided, the provisions of this act shall be considered as applicable to the bank assenting to the same, whether the other shall agree to the same or not.

APPROVED, March 2, 1839.

In force, Mar.  
2, 1839.

#### AN ACT to establish the county of Hardin.

Boundary of  
Hardin coun-  
ty.  
Proviso.  
Vote for coun-  
ty.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of the now county of Pope which lies north of the township line dividing township twelve and thirteen, and east of the Grand Prairie creek, shall be created into a new county, to be called the county of Hardin: *Provided,* That a majority of the legal voters of the present county of Pope shall first vote for such new county at the election to be held in said county, on the first Monday of August next; and to afford an oppor-



tunity for such expression of opinion, it shall be the duty of the proper officers of the now county of Pope, in preparing poll-books for said August election, to rule two columns, one for and the other against such division, in which the votes shall be recorded as given for or against, as the case may be; and if it shall appear, from the returns of said election, that a majority of the qualified voters of said county of Pope as now organized shall be in favor of the establishment of the new county of Hardin, as above defined, the fact shall be so certified by the clerk of the county commissioners' court, under the seal of his office, to the Secretary of State at the seat of Government; and the said county of Hardin shall therefore be considered and taken to be permanently and legally established with the aforesaid boundaries.

SEC. 2. The legal voters of the counties of Hardin and Pope shall meet at their respective places of holding elections on the third Monday of August next, and vote for a point or points whereat to locate the seat of justice of each county, respectively; and the place within each county receiving the highest number of votes shall be and forever remain the permanent seat of justice within each county.

SEC. 3. The legal voters of the county of Hardin shall also, at the same time and places of holding such elections, proceed to elect all county officers, excepting only justices of the peace and constables and the two county commissioners at present residing within the limits of said new county, who shall continue to act as commissioners of the new county of Hardin in the same manner, and for the same time, as if no division of Pope county had taken place. The legal voters of Pope county shall also at the same time proceed to elect county commissioners, who shall continue in office until their successors are elected and qualified.

SEC. 4. The county commissioners of the said county of Hardin and Pope shall, within ten days after their said election, meet within their respective counties; those within the county of Hardin, at the house of Thomas Cowsut; and those of the county of Pope, at the town of Golconda, and lay off their respective counties into justices' districts, and do and perform such other duties as is required by law.

SEC. 5. It shall be the duty of the county commissioners of the county of Pope, within twelve months from the passage of this act, to proceed to sell, at public auction, the court house in the town of Galconda, (the clerk giving at least four weeks, previous notice) the purchaser giving bond, with approved security, for the payment of the purchase money to the county commissioners of Pope county within a period of not more than two years; and which money when collected shall be paid to the persons to whom the present county of Pope is indebted; and if the sum of money obtained for said court house shall not be sufficient to pay the whole debt which is now due from the county to individuals,



the counties of Hardin and Pope shall each pay an equal proportion of the sum remaining due, according to the amount of taxable property in each county.

Proportion of  
\$200,000.

SEC. 6. The county of Hardin shall be entitled to its distributive share of the funds received by the county of Pope according to the provisions of the internal improvement law of this State, and it is hereby made the duty of the county commissioners' court of the said county of Pope to pay over to the county commissioners of the county of Hardin, within twelve months after the passage of this act, such distributive share as the said new county may be entitled to receive according to the provisions of this section.

Courts, where  
held.

SEC. 7. The places for holding the circuit and commissioners' court within each county shall be determined by the county commissioners respectively; and public buildings shall be erected in each county, as soon as the respective county courts shall deem it expedient. The county of Hardin shall continue to form a part of the judicial circuit with the county of Pope, and shall vote with the county of Pope for a member of the General Assembly, until otherwise provided by law.

Hardin to  
vote with  
Pope for Rep.

APPROVED, March 2, 1839.

---

In force, Mar.  
2, 1839.

AN ACT to authorize Daniel F. Hitt to build a mill-dam.

Mill-dam  
across Illinois  
river.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Daniel F. Hitt, his heirs and assigns, are hereby authorized and empowered to build and maintain a mill-dam across a slough of the Illinois river, on the north half of section twenty-two, in township twenty-three north, of range two, east of the third principal meridian, in La Salle county, on the north side of the island there situated in the Illinois river.

Dam not to  
interfere with  
navigation.

SEC. 2. Said dam shall be so constructed as not to interfere with the navigation of said river; and if at any time the State shall improve the navigation of the Illinois river, the right acquired under this act shall not be so construed as to prevent the State from making such improvement.

APPROVED, March 2, 1839.

---

In force, Mar.  
2, 1839.

AN ACT for the relief of John Winstanly and Hugh Duffy.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Commissioner of the second judicial circuit is hereby authorized and required to pay, out of the internal improvement fund appropriated to the Western mail route, to John Winstanly and

Hugh Duffy the sum of three thousand dollars; and that the Commission-  
 acceptance of the same shall be bar to any cause of action, <sup>er to pay</sup> \$3,000.  
 at law or equity, which may have existed upon contracts  
 numbered four and six, which were entered into by said Win-  
 stanly and Duffy, of the one part, and the people of the  
 State of Illinois, by their Commissioner, of the second part :  
*Provided*, That said payment shall be made out of the spe- <sup>Proviso.</sup>  
 cial appropriation made for the American bottom division of  
 the said work.

SEC. 2. The appropriation made by the foregoing section <sup>Payment con-</sup>  
 shall be paid upon condition that the Board of Public Works <sup>ditional.</sup>  
 shall, upon an examination of the accounts, and all matters  
 connected with the same, be satisfied that the claimants are  
 entitled to the sum claimed upon the principles of equity and  
 justice; and if the said Board shall be satisfied, from an ex-  
 amination as aforesaid, that said claimants are entitled  
 to any pay from the State, the Board shall pay the same:  
*Provided* the amount paid shall not exceed the sum herein <sup>Proviso.</sup>  
 appropriated.

APPROVED, March 2, 1839.

AN ACT to authorize Narcisse Pensaneau to build a bridge over the Kas- In force, Mar.  
 kaskia, at Athens, in St. Clair county. 1, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois,*  
*represented in the General Assembly*, That Narcisse Pensaneau,  
 his heirs and assigns, be, and he is hereby, authorized to  
 build a toll-bridge across the Kaskaskia river, at the town of Toll-bridge.  
 Athens, in St. Clair county.

SEC. 2. The said Narcisse Pensaneau, his heirs and assigns,  
 shall commence the building of said-bridge within two years, <sup>Time of com-</sup>  
 and complete the same within five years, from and after the <sup>men-  
 cement &  
 completion.</sup>  
 passage of this act. Said bridge shall be built in a good and  
 workmanlike manner, so as to give a safe and easy passage  
 to all persons and their property wishing to cross said bridge.

SEC. 3. After said bridge shall be completed, the said Pen-  
 saneau, his heirs and assigns, are hereby authorized to place  
 a toll-gate on either end, or elsewhere, of said bridge, where Toll-gate.  
 they may ask and receive, of all and every person passing said  
 bridge, such toll as the county commissioners' court of said  
 county shall fix from time to time.

SEC. 4. If the said bridge shall be out of repair for more  
 than six months at any one time, said charter shall be for-  
 feited: *Provided* destruction of said bridge by high water, <sup>Proviso.</sup>  
 fire, or other casualty, shall not work a forfeiture of the pri-  
 vileges hereby granted; but the said Pensaneau, his heirs  
 and assigns, shall proceed immediately to repair the same.

SEC. 5. If any person or persons shall wilfully do or cause  
 to be done any injury to said bridge, the person or persons <sup>Injury done  
 to bridge.</sup>

so offending shall forfeit and pay to the said Pensaneau, his heirs and assigns, double the amount of such injury or damages, to be recovered before any court having jurisdiction, and be liable as in other cases to criminal prosecution.

SEC. 6. Said bridge is to be so constructed as not in any manner to impede the navigation of said river.

SEC. 7. This act to be in force from and after its passage.

APPROVED, March 1, 1839.

In force, Mar. 1, 1839. AN ACT to relocate part of the State road leading from Appanoose to the Drowning fork of Crooked creek.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That that part of the State road leading from Appanoose, in Hancock county, to the Drowning fork of Crooked creek, in McDonough county, which lies between Pilot Grove and the middle branch of Crooked creek, in said first mentioned county, be, and the same is hereby, vacated; and that the road laid out in pursuance of the order of the Hancock county commissioners' court, at their last June term, connecting the two last mentioned points, be, and the same is hereby, declared to be a part of said State road.

APPROVED, March 1, 1839.

In force Mar. 1, 1839. AN ACT supplemental to the act, entitled "An act to provide for a loan for canal purposes."

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in General Assembly,* That in contracting for loans and for the reception of money under the provisions of the act, entitled "An act to provide for a loan for canal purposes," passed during the present session of the General Assembly, it shall be lawful to provide for receiving the money in sums over one hundred thousand dollars, if, by doing so, money can be obtained upon better terms; and the money borrowed under the provisions of the act aforesaid, shall be deposited in some safe bank or banks in the United States, at the best rate of interest that can be obtained for the same, subject to be withdrawn as it may be required for use on the canal.

SEC. 2. The Canal Commissioners shall pay all interest hereafter accruing upon money borrowed for canal purposes under the direction of the Governor, out of the canal fund.

SEC. 3. In executing the power conferred upon the Governor by the act recited in the first section of this act, it shall be lawful to procure a temporary loan for immediate use, by



the hypothecation of bonds or certificates of stock, upon such terms and for such period of time as may be best calculated to subserve the public interest; such loan not to exceed in amount the sum of one million of dollars, *Provided*, That no higher or greater rate of interest shall be paid than six per cent. per annum upon the money borrowed. Am't of loan.

APPROVED, March 1, 1839.

AN ACT to vacate the town plats of the town of Caledonia and the first addition to the town of Rome, in the county of Peoria. In force, Mar. 1, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the present proprietor or proprietors of the town of Caledonia, and the first addition to the town of Rome, in the county of Peoria, be, and they are hereby authorized to vacate the survey and plat of the aforesaid towns of Caledonia, and the first addition to the town of Rome: *Provided* the vacating of the survey and plats of said town shall not interfere with the vested rights of any person or persons, who may have purchased lots in said towns of the proprietors or others. Plat vacated. Proviso.

APPROVED, March 1, 1839.

AN ACT authorizing sale of property in Hudsonville, and appropriating the avails thereof. In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Nathan Musgrave, John A. Williams, and John Musgrave, of the county of Crawford, be, and they are hereby, appointed commissioners and trustees to survey and lay off Water street, in the village of Hudsonville, in said county, so as to make the same sixty-six feet wide, commencing at the southeast corner of lot number forty-eight, in block number eight, thence, running parallel with the east lots of the present town plat, to lot number one, in block number one, at the northeast corner of the old town plat; and shall plant stones firmly in the ground to perpetuate the corners and bounds of said Water street. Trustees to lay off Water street, in Hudsonville. Width. Boundary of street.

SEC. 2. Said trustees shall cause the border and strip of land east of said street to the Wabash river low-water mark, to extend the privilege into said river, to be carefully surveyed and laid off into lots to the best advantage, and make a plat of said street and lots, certify and acknowledge the same after the surveyor makes his certificate of such survey, division, &c., and cause the same to be recorded in the recorder's office of said county of Crawford. Lots to be laid off. Plat of street and lots to be recorded.

**SEC. 3.** Said trustees, or a majority of them, may act, and shall advertise the said lots for sale, giving a reasonable notice thereof at least six weeks in some newspaper and otherwise, and shall sell the same to the best advantage—the whole or a part as they may deem most advantageous—on such terms and conditions as may be agreed on by said trustees; and, on final payment, may meet to make deeds to the purchasers in fee simple.

**SEC. 4.** The whole of the proceeds of said lots, after deducting the expenses and reasonable compensation to them, to be allowed by the commissioners' court of the county, (and they shall report annually all their proceedings to said court,) shall be by them expended in building of wharves, securing the bank on the river, in front of said village, and other necessary improvements on the said bank, for the use and accommodation of the citizens, and the public in general.

**SEC. 5.** Said commissioners shall give bond to the acceptance of the commissioners' court aforesaid, in such sum as may be required, to discharge their duties faithfully under this act, for the use and benefit of the citizens of said village.

**SEC. 6.** No division or sale shall be made of said strip of land, unless the owners of lots on said front Water street shall specially assent thereto, in view of the provisions of this act, in writing; which shall be signed and recorded in the recorder's office of said county.

**SEC. 7.** The deeds made strictly in accordance with the provisions of this act shall be good and valid in law and equity—a sure title to the purchaser.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839. AN ACT to locate a State road from Bloomington to Lexington, in McLean county.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Jacob Spawr, Elbert Dickerson, and Jesse W. Fell, of McLean county, be, and they are hereby, appointed commissioners to view, mark, survey, and locate a State road from Bloomington to a point on the Money creek timber, at or near Elbert Dickerson's, and from thence to Lexington, in said county. Said commissioners, or a majority of them, shall meet at the town of Bloomington, on the first Monday in April next, or within ninety days thereafter, and, after being duly sworn by some justice of the peace faithfully to discharge the duties required of them by this act, shall proceed to view, mark, survey, and locate said road, taking into consideration the public convenience and the permanency of the road, doing as little injury to private property as practicable.

**SEC. 2.** Said commissioners shall make a report, in writing, to the county commissioners' court for McLean county, at

the next term thereof after said location is made; which said report shall form a part of the records of said court; and said road thus laid out shall be a public highway of this State; and the county commissioners' court of said county shall cause the same to be opened four rods wide, and kept in repair as other roads are required by law: *Provided*, That said road shall not be opened, if any person through whose land the same may pass shall be injured thereby, unless the damages be first paid; nor shall the county of McLean be bound for the payment of any damages which may be assessed on said road.

Report to be recorded.

Width of road.

Damages, how paid.

APPROVED, March 2, 1839.

AN ACT to add range one to the counties of Marshall and Putnam.

In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the qualified voters of townships twenty-nine, thirty, thirty-one, thirty-two, and that part of thirty-three lying south of the Big Vermilion river, and in range one, east of the third principal meridian, shall meet, at the places of holding elections for justices of the peace and constables in said range, on the first Saturday in April next, and, if necessary, choose their own judges and clerks, and proceed to take the vote of said qualified voters for and against being detached from the county of La Salle; and should there be a majority of all the votes given at said election in favor of being thus detached from the county of La Salle, then townships twenty-nine and thirty shall belong to, and form a part of the county of Marshall; and the remainder of said range south of the Big Vermilion river shall belong to, and form a part of, the county of Putnam; and the returns of said election shall be made to the Secretary of State by the judges and clerks of said election.

Voters of townships to meet.

Time of meeting.

Vote for or against being detached.

County of Marshall.

Returns to Sec'y of State.

SEC. 2. That the county of Putnam shall hold an election, on the second Saturday in April next, for two county commissioners, at the places of holding elections in said county. The sheriff of said county shall give notice thereof, by advertisement, at six of the most public places in said county, at least fifteen days previous to said election; which election shall be conducted, and returns thereof made, as are now prescribed by law. The commissioners elected under the provisions of this act shall hold their offices until the next election shall be held for county commissioners, and until their successors are qualified.

Election in Putnam co.

Notice of

Commissioners elected.

APPROVED, March 2, 1839.



In force Mar.  
2, 1839.

AN ACT authorizing a survey therein named.

Route to be  
surveyed.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Board of Public Works shall, so soon as convenience will permit, detail a competent engineer to survey a route commencing at or near the point where the present location of the Central railroad crosses Drury's creek, in Jackson county; thence, via Frankfort, in Franklin county, Mount Vernon, in Jefferson county, and Salem, in Marion county, to a point on the present location of the aforesaid railroad at or near Vandalia. Said Board shall also detail a competent engineer to survey another route between the same starting and terminating points, to pass at or near the Coal-banks, on Muddy; thence through Pinckneyville, in Perry county, Nashville, in Washington county, and Carlyle, in Clinton county.

Full reports to  
be made.

SEC. 2. Said engineers shall make full and complete reports of the surveys of said routes, respectively, to the Board of Public Works, who, upon a full examination and comparison of the relative merits of the two said routes, and the present location, with a view to the interest of the State, shall determine which of the three shall be the permanent location of the said Central railroad.

Provisions of  
act effected  
speedily.

SEC. 3. The provisions of this act shall be carried into effect as speedily as possible; but, while the same are in progress, the work on the said Central railroad shall proceed as though this act had never passed.

APPROVED, March 2, 1839.

In force, Mar.  
2, 1839.

AN ACT to define the bounds of Boone county.

Bounds of  
Boone county.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the boundary lines of Boone county shall be as follows, to wit: Beginning at the northeast corner of Winnebago county, and running thence, east, on the State line, to the northeast corner of township forty-six, north of range five, east of the third principal meridian; thence, south, on the range line, to the line dividing townships forty-two and forty-three north; thence, west, on said line, to the southeast corner of Winnebago county; thence, north, with the line of Winnebago county, to the place of beginning: *Provided, however,* That if a majority of the legal voters residing within the limits of townships forty-three, forty-four, forty-five, and forty-six north, range five, east of the third principal meridian, shall, on the first Monday in August next, vote against the above named townships forming a part of the county of Boone, then the line dividing ranges four and five east shall continue to form the eastern boundary of Boone county.

Proviso.

Election.

APPROVED, March 2, 1839.

AN ACT to locate a State road in McLean and Tazewell counties. In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Meredith Myers and John P. Beatty, of McLean county, and Richard N. Cullum, of Tazewell county, are hereby appointed commissioners to locate a State road, as follows, to wit: Commencing at Tremont, in Tazewell county; thence to Versailles, in McLean county; thence to intersect the Bloomington and Ottawa road at or near Josephine, in the said county of McLean. Com'rs to locate road.

SEC. 2. Said commissioners, or a majority of them, shall meet at the town of Tremont, on the first Monday in April next, or within ninety days thereafter, and, after having been duly sworn before some justice of the peace faithfully to perform the duties required of them by this act, shall proceed to view, mark, survey, and locate said road; and, having so located the same, shall, within sixty days thereafter, make report to the county commissioners' court of each of said counties; which report shall be entered at length upon the records of said courts: *Provided*, That no costs or damages shall be paid by said counties on account of the location of said road. Time & place of meeting.

SEC. 3. Said road shall be four poles wide, and shall be opened and kept in repair as other roads are. Report of com'rs.

APPROVED, March 2, 1839. Width of road

AN ACT for the relief of Henry county.

In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* the Fund Commissioners be, and they are hereby, required to pay to the county commissioners' court of Henry county the sum of two hundred and fifty dollars, being a part of the balance due the county of Knox from the appropriation made to certain counties by the law to establish and maintain a general system of internal improvement. This act to take effect from and after its passage.

APPROVED, March 2, 1839.

AN ACT to relocate the seat of justice of the county of De Kalb.

In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That*, on the second Monday in May next, an election shall be held in the county of De Kalb at the usual places of holding elections therein, to be conducted in all respects, as near as practicable, as other elections; at which time the legal voters of said county shall vote for or against a removal of the seat of justice of said county of De Kalb; and if it shall appear, from the returns of said election, that a majority of all the votes shall be in To vote for or against removal.

favor of its remaining where it is at present located, then no further proceeding shall be had, but the county seat shall remain where it is.

If 2d election  
be necessary.

SEC. 2. If it shall appear that two-thirds of the votes given at said election shall be in favor of removing said seat of justice from Orange, its present location, then, and in that case, a second election shall be holden, as aforesaid, on the first Monday in June next; at which time the legal voters of said county shall vote to establish the said seat of justice either at Brush Point or Cottonville, the points named in the petitions; and the place getting the highest number of votes given at said second election shall forever remain the permanent seat of justice of said county.

Donations.

SEC. 3. At least twenty days' previous to either of said elections, donations may be offered, to wit: The friends of Orange shall file, with the treasurer of said county, a good and sufficient bond to the acceptance of the officer, binding themselves to donate to said county the sum of three thousand dollars for the erection of a court house, to be erected on the land now owned by the county; and, in case of a second election, the proprietors of Cottonville and Brush Point shall, respectively, file bonds with the treasurer of said county, binding themselves to make the county a deed, with covenants of a general tenure, for one hundred and sixty acres of land for the erection of a court house, or shall file a bond with the treasurer aforesaid to erect a good and durable court house, and finish the same in size and general structure of the present court house in Kane county; either of which as shall best suit the proprietors of said places.

Bond.

SEC. 4. It shall be the duty of the county commissioners' court to cause special entries to be made of record of the result of said elections, and file and preserve said returns or poll-books for inspection; and in case of removal, it shall be the duty of said county commissioners to dispose of the real estate at present belonging to said county, and apply the same to the erection of county buildings.

In case of re-  
moval.

SEC. 5. In case the seat of justice shall be removed, all the public offices of the county shall be removed to the place selected, as soon as buildings are provided for the same; and the courts thereafter shall also, as soon as county buildings are erected, be holden there.

Courts, where  
held.

SEC. 6. That the courts of said county shall be holden as heretofore at Cottonville until county buildings are erected, any act to the contrary notwithstanding.

APPROVED, March 2, 1839.



AN ACT to protect the Cumberland road, and prevent trespasses.

In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That if any person or persons shall be guilty of removing any materials for the construction of the Cumberland road in this State, now made and hereafter to be made and constructed, or deface, injure, or destroy any of the works, or steal or destroy any tool or instrument belonging to the United States for the use of said road, he or they shall be guilty of a high crime or misdemeanor, and shall be punished severely under the laws now existing and in force for the punishment of similar offences on individual and State property. Persons trespassing, how punished.

SEC. 2. That if any person or persons shall store any combustible or other matter in any of the culverts or bridges, or obstruct them in any manner whatever, or encamp or build fires within or near them, or obstruct any of the culverts, ditches, or drains, remove or deface any mile-stones, or stop with teams to feed on the road, shall be guilty of trespass, and shall be held accountable under the existing laws; and suits may be brought against said trespassers by any agent of the Government, or any other person who may take upon himself to attend to the same, for all such offences.

SEC. 3. In cases arising under this act, the individual may be taken by capias or warrant founded on affidavit, and held to bail or committed to jail. Persons trespassing, how taken.

SEC. 4. Suits shall be brought before any court having competent jurisdiction to try and hear such cases; and the right to appeal to the circuit court is reserved as in similar cases now provided by law.

APPROVED, March 2, 1839.

AN ACT to amend an act, entitled "An act in relation to garnishees," approved February 12, 1839. In force, Mar. 2, 1839

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the "Act in relation to garnishees," approved February 12, 1839, be, and the same is hereby, suspended; and shall not take effect until the first day of January, 1840.

APPROVED, March 2, 1839.

AN ACT to repeal an act, entitled "An act to incorporate the town of Upper Alton." In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act, entitled "An act to incorporate the town of Upper Alton," approved

Act repealed. February 18th, 1837, be, and the same is hereby, repealed:  
 Proviso. *Provided*, That the board of trustees of the said town of Upper Alton, now in office, shall have power and authority to collect, sue for, and recover, from any collector or treasurer of said town, or who may have acted as such, or other persons, any moneys in their hands, collected by them for taxes or otherwise, belonging to said town; and the said board of trustees shall appropriate the same to the payment of any debts that may have been contracted by authority of the said board of trustees; and should there be any overplus, after discharging all the debts as aforesaid, the same shall be expended, under the direction of the said board of trustees, in improving the streets in the said town of Upper Alton.

APPROVED, March 2, 1839.

---

In force, Mar.  
2, 1839.

AN ACT concerning the town of Naples.

Branch road  
abandoned.  
Duty of Board  
of Public  
Works.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the Branch railroad and appendages thereof, authorized by the Board of Public Works, from the Northern Cross railroad to the town of Naples, be, and the same is hereby, abandoned; and the Board of Public Works elected at the present session of the General Assembly be, and they are hereby, required to adopt such measures as will secure from waste and injury all public property and materials appertaining to said branch and appendages, and make such disposition of said materials and property as they may deem the interests of the State require, and to effect such a compromise with the contractors thereof as they may deem justice demands, and will be most conducive to the interests of the State.

Compromise  
with contract-  
ors.

Act repealed.

SEC. 2. That the act, entitled "An act to construct a railroad from Naples to Jacksonville," approved February 18, 1837, be, and the same is hereby, repealed.

APPROVED, March 2, 1839.

---

In force, Mar.  
2, 1839.

AN ACT to provide for the relocation of a State road therein named.

Com'rs to lo-  
cate road.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Hugh L. White, John R. Crandell, and Moses Young, be, and they are hereby, appointed commissioners to review and relocate so much of the State road leading from Wesley City, in Tazewell county, to Pekin, and from thence to Springfield, in Sangamon county, as lies between the north line of the town of Pekin and Crane creek.

SEC. 2. The said commissioners, or a majority of them, shall meet at the town of Pekin, on or before the first Mouday in August next, or within sixty days thereafter; and, after being duly sworn, by some justice of the peace of said county of Tazewell, well and truly to perform the duties required of them by this act according to the best of their skill and abilities, they shall proceed to review, survey, and locate said road agreeably to the first section of this act, locating said road on the nearest and most practicable route.

SEC. 3. All that part of the aforesaid road between the north line of the town of Pekin and Crane creek, where the road hereby authorized shall not run thereon, or shall vary from the present road, the same shall be annulled and vacated. Road vacated.

SEC. 4. The said commissioners shall make out a statement of the length of time necessarily employed by them, and also their necessary hands, in locating said road, and turn the same to the county commissioners' court of Tazewell county; and said court is hereby authorized and required to make said commissioners and their necessary hands a reasonable compensation per day, out of the county treasury, for their services rendered under this act. Statement of time employed.

SEC. 5. Whenever the said road shall be laid out and located as aforesaid, a survey and plat of said road shall be filed in the office of the clerk of the county commissioners' court, whose duty it shall be to cause the same to be recorded in the records of said court. Said road shall be opened four poles wide, and kept in repair as other State roads are. Survey & plat to be filed.

APPROVED, March 2, 1839.

AN ACT to establish a State road therein named.

In force, March 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Zalman Carter and James Gilham, of the county of Scott, and Joshua Hanks, of the county of Greene, be, and they are hereby, declared commissioners to view, mark, and locate a State road beginning at the town of Winchester, in Scott county; thence, on the most eligible and direct route, to the town of Wilmington, in Greene county. Com'rs to locate road.

SEC. 2. Said commissioners, or a majority of them, shall meet at the town of Winchester, on the first Monday in April next, or as soon thereafter as practicable, and, after being duly sworn, shall proceed to perform the duties required of them by this act, avoiding, as much as the public good will permit, the injury of private property. Time and place of meeting.

SEC. 3. Said commissioners shall, within twenty days after having located said road, make a report, in writing, to the county commissioners' courts of Greene and Scott counties. Said report shall form a part of the records of said Report to be recorded.



courts; and said road, thus laid out, shall be considered a public highway of this State; and the county commissioners' courts of Greene and Scott counties shall cause the same to be opened and kept in repair as other State roads are required to be by law.

**SEC. 4.** The county commissioners' courts of the counties of Greene and Scott shall allow said commissioners a reasonable compensation, to be paid out of the county treasuries of the counties through which said road may pass.

**SEC. 5.** The road leading from Wilmington via Joshua Hanks and Henry Robleys, and that intersects the road leading from Whitehall to Carrollton near Alan's mill, is hereby declared to be a State road; and the county commissioners of Greene county are required to keep said road open and in repair as other State roads of this State.

APPROVED, March 2, 1839.

In force, Mar.  
2, 1839.

AN ACT to locate a State road from Nashville to Belleville.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William B. Davis and Edward G. McClure, of St. Clair county, and Joseph Kenyon, jr., of Washington county, be, and they are hereby, appointed commissioners to view, mark, and locate a State road from Nashville, in Washington county, by the town of Jefferson, on the Kaskaskia river, in St. Clair county; thence to intersect the road leading from Belleville to Athens at the south end of Presley Walker's lane; to be located on the nearest and best ground.

**SEC. 2** The commissioners, or a majority of them, shall meet at the said town of Jefferson, on the first Monday of April next, or as soon thereafter as practicable, and, after being duly sworn, shall proceed to perform the duties required of them by this act, avoiding, as much as possible, the injury of private property.

**SEC. 3.** The said commissioners shall, as soon as convenient, cause to be filed, with the clerk of the county commissioners' court of each county, a report of the location of said road, naming the distance, as near as may be, of said road in each county; which report shall be preserved, and form a part of the records of said courts. Said road, when located, shall be opened and kept in repair as other State roads are.

**SEC. 4.** The county commissioners' court of each county shall allow the commissioners such compensation as they may deem reasonable and just, to be paid according to the distance of said road in each county.

APPROVED, March 2, 1839.

AN ACT to locate and establish a State road in the counties of Kane In force, Mar. 2, 1839.  
and De Kalb.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Isaac Wilson, Anson Root, Lemuel Morse, Alfred Churchill, Elder Ambrose, and Henry A. Miller, of Kane county, be, and they are hereby, appointed commissioners to view, mark, locate, and establish a State road from Fox river, in Kane county, westwardly, by a road running from Aurora, in said county, to Dixon's ferry, in Ogle county. Com'rs to locate road.

SEC. 2. Said commissioners, or a majority of them, shall meet at the house of Isaac Wilson, in said county, on the first Monday in May next, or within six months thereafter, and, after being duly sworn by some justice of the peace faithfully to perform the duties required [of] them by this act, shall proceed to locate, mark, and establish said road, commencing on the west bank of Fox river, at or near a house built by Harvey Bristol and now occupied by Horace Town, in said county; thence running westwardly until said road so to be laid out shall strike the said road leading from Dixon's ferry, taking into consideration the best route and the most advantageous ground for a permanent [road.] Time and place of meeting.

SEC. 3. Said commissioners shall, within six months after the location of said road, make a report of their proceedings to the county commissioners' court of the respective counties through which said road may pass. The said road, thus laid out and established, shall be a public highway of this State; and the county commissioners' court of said counties shall cause the same to be opened and kept in repair as other roads are. Said commissioners and the surveyor employed by them to survey said road shall receive for their services a reasonable compensation, out of the funds of the said counties through which the said road may pass, to be allowed by the county commissioners' courts of said counties. Report of proceedings.

APPROVED, March 2, 1839.

AN ACT to establish a State road from Salem to Pinckneyville. In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Samuel W. Anderson, of Washington county, Isaac B. Walker, of Perry county, and Alfred Ray, of Marion county, be, and they are hereby, appointed commissioners to view, survey, and locate a State road beginning at Salem, in Marion county, running thence, on the nearest and best ground, to Pinckneyville, in Perry county, so as to intersect the road leading from Pinckneyville to Chester. Com'rs to locate road.

SEC. 2. Said commissioners, or a majority of them, shall meet at Pinckneyville aforesaid, on the first Monday in August Time & place of meeting.

next, or within six months thereafter, and, after being first duly sworn by some justice of the peace faithfully to discharge the duties required by this act, shall proceed to view, survey, and locate said road according to the provisions of the preceding section, making the best location for a permanent road.

**Report to co. com'rs.** SEC. 3. Said commissioners shall make a report to the county commissioners' courts of the several counties through which said road shall pass, of the part lying and being in each county; which shall be recorded, filed, and preserved.

**Pay of com'rs.** SEC. 4. Said commissioners shall be allowed a reasonable compensation, to be paid out of the treasuries of the several counties, in proportion to the distance said road may run in each county, and the time engaged in the discharge of their duties.

APPROVED, March 2, 1839.

In force. Mar. 2, 1839. AN ACT fixing the time of holding the Supreme Court and the Circuit Courts in the first, sixth, seventh, eighth, and ninth circuits.

**First circuit.** SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the circuit courts of the several counties in the circuits hereinafter named shall be holden, at the county seat of said counties, at the times following:

In the counties composing the first judicial circuit:

**Morgan.** In the county of Morgan, on the third Mondays in March, last Mondays in June, and first Mondays in November; in the county of Pike, on the first Mondays in April and September; in the county of Calhoun, on the Thursdays before the third Mondays in April and September; in the county of Greene, on the third Mondays in April, second Mondays in August, and third Mondays in October; in the county of Macoupin, on the first Mondays in May and third Mondays in September; in the county of Cass, on the third Mondays in May and first Mondays in October; in the county of Scott, on the fourth Mondays in May and second Mondays in October.

**Sixth circuit.** SEC. 2. In the counties composing the sixth circuit:  
**Rock Island.** In the county of Rock Island, on the first Mondays in April and September; in the county of Whiteside, on the second Mondays in April and September; in the county of Carroll, on the Thursdays after the second Mondays in April and September; in the county of Stephenson, on the third Mondays in April and September; in the county of Winnebago, on the Thursdays after the third Mondays in April and September; in the county of Boone, on the Thursdays after the fourth Mondays in April and September; in the county of Jo Daviess, on the first Mondays in May and October and third Mondays in July.



SEC. 3. In the counties composing the seventh circuit: Seventh circ't.

In the county of Iroquois, on the first Mondays in March and September; in the county of Will, on the second Mondays in March and September; in the county of Du Page, on the second Mondays after the second Mondays in March and September; in the county of McHenry, on the fourth Mondays after the first Mondays in March and September; in the county of Cook, on the sixth Mondays after the first Mondays in March and on the first Mondays in August and November.

If any new county or counties may be or shall have been formed out of the counties of Cook and McHenry, in the seventh judicial circuit, by any law of the present General Assembly, and a circuit court is or shall be required to be holden in any such new county or counties, the Judge of the said seventh judicial circuit is hereby authorized to appoint a time for holding the courts within such county or counties.

If new counties are formed of McHenry and Cook, Judge to appoint time of court.

SEC. 4. In the counties composing the eighth circuit: Eighth circ't.

In the county of Sangamon, on the first Mondays in March, second Mondays in July, and third Mondays in November; in the county of Tazewell, on the first Mondays in May and fourth Mondays in September; in the county of McLean, on the second Mondays in May and first Mondays in October; in the county of Livingston, on the fourth Mondays in May and third Mondays in October; in the county of Macon, on the first Mondays in June and fourth Mondays in October; in the county of Dane, on the second Mondays in June and first Mondays in November; in the county of Logan, on the Thursdays after the second Mondays in June and first Mondays in November; in the county of Menard, on the third Mondays in June and second Mondays in November.

Sangamon.

Tazewell.  
McLean.

Livingston.  
Macon.

Dane.  
Logan.

Menard.

SEC. 5. In the counties composing the ninth circuit: Ninth circuit.

In the county of Bureau, on the Tuesdays after the fourth Mondays in March and September; in the county of Henry, on the first Mondays in April and October; in the county of Stark, on the first Thursdays after the first Mondays in April and October; in the county of Peoria, on the second Mondays in April and October; in the county of Marshall, on the fourth Mondays in April and October; in the county of Putnam, on the first Fridays after the fourth Mondays in April and October; in the county of La Salle on the second Mondays in May and November; in the county of Kane, on the fourth Mondays in May and first Mondays in September; in the county of De Kalb, on the next Thursdays after the first Mondays in June and second Mondays in September; in the county of Ogle, on the second Mondays in June and third Mondays in September.

Bureau.

Henry.

Stark.

Peoria.

Marshall.

Putnam.

La Salle.

Kane.

De Kalb.

Ogle.

SEC. 6. No grand jury shall be summoned to attend the circuit courts of Morgan county at the terms of said court to be holden in June; nor shall any grand jury be summoned to attend the circuit courts of Sangamon and Jo Daviess counties at the terms of said courts to be holden in July; nor shall

No grand jury shall be summoned for Morgan in June; Sangamon or Jo Daviess.

Proviso.

any criminal cases be docketed for trial at the said terms of said courts; *Provided, however,* That if any person shall be confined in the jail of either of said counties, upon any criminal charge, at the time the said courts may be held in June and July as aforesaid, the said courts shall have the power to try any such person, if an indictment shall have been found, or, if no indictment shall have been found, to cause a grand jury to be empannelled to inquire into the cases of all such persons, and to hear and determine all cases of such persons. The provisions of the foregoing section shall apply to the term of the court to be holden in Greene county in August.

All process to be returned.

SEC. 7. All writs, subpœnas, and other process which may be issued, and made returnable to the terms of courts as heretofore required to be holden, shall be deemed and taken to be returnable to the said courts as required to be holden under the provisions of this act; and all proceedings pending in any of the courts shall be taken up and disposed of according to law, as if no alteration had been made in the time of holding said courts.

Summer terms of Supreme Court.

SEC. 8. The summer terms of the Supreme Court shall hereafter commence on the second Monday in July, instead of the first Monday in June.

APPROVED, March 2, 1829. [1839.]

In force, Mar. 2, 1839.

AN ACT for the benefit of Jefferson county.

Preamble.

WHEREAS it is enacted by the fifteenth clause of the eighteenth section of "An act to establish and maintain a general system of internal improvement," approved February 27, 1837, that there shall be appropriated the sum of two hundred thousand dollars, of the first moneys that shall be obtained under the provisions of this act, to be drawn by the several counties, in a rateable proportion to the census last made, through which no railroad or canal is provided to be made at the expense of the State of Illinois; which said money shall be expended in the improvements of roads, constructing bridges and other public works: and whereas the county of Jefferson is one of those counties through which no railroad or canal passes, except that the Central railroad, as last surveyed, (and which route, [it] is understood, is the one that will be selected,) strikes the northern line of said county of Jefferson about one hundred yards from the northwest corner of said county, and running in said county about four hundred yards, and then leaving said county on the west side—proof of which can be had by reference to the map of the survey of the engineer on the Central railroad—thereby leaving Mount Vernon, the seat of justice of said county, about sixteen miles: Therefore,

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the provisions of the fifteenth clause of the eighteenth section of the act aforesaid shall be, and the same is hereby, construed to apply to the county of Jefferson the same as if no railroad or canal touched said county. Clause of section made applicable to Jefferson co.

SEC. 2. The Fund Commissioners are hereby authorized and required to issue their warrants on the Bank of Illinois, or any other place wherein said money may be deposited, for whatever amount the said county of Jefferson may be entitled to, upon the order of the county commissioners of said county; and their receipt, or the receipt of any person whom they may authorize to receive said money, shall be good and effectual as against the said county of Jefferson. Duty of Fund Commissioners.

SEC. 3. If any act shall be passed at the present session of the General Assembly authorizing the survey or location of the Central railroad through Mount Vernon or its vicinity, this act shall be void: *Provided*, That the share of said funds to which the county of Jefferson would be entitled shall be reserved by the Fund Commissioners until the final decision of the Board of Public Works as to the relocation of said road through said county. Proviso.

SEC. 4. This act shall take effect and be in force from and after its passage.

APPROVED, March 2, 1839.

AN ACT to establish a State road in Alexander county.

In force, March 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Thomas Forker, Enoch Smith, and Samuel Cook be, and they are hereby, appointed commissioners to view, mark, and locate a road to commence at or near the late residence of Pitman Haws; thence, via the town of Caledonia and down the Ohio river, to Trinity. Com'rs to locate road.

SEC. 2. The said commissioners, or a majority of them, shall meet at Trinity, on the first Monday in June next, or within three months thereafter, and, after being sworn before some justice of the peace faithfully to discharge the duties conjoined upon them by this act, shall proceed to view, mark, and locate the said road upon the best and most direct route between the points named in the first section of this act. Time and place of meeting.

SEC. 3. Upon such location being made, the said commissioners, or any two of them, shall make a report of the same to the county commissioners' court of Alexander county, and the said court shall cause the said road to be opened and kept in repair; and the said road is hereby declared to be a State road. Report.



Pay of com'rs. SEC. 4. The commissioners hereby appointed shall be paid, out of the county treasury of Alexander county, a fair compensation for the time they may be necessarily employed in locating said road, to be allowed by the county commissioners. This act to take effect and be in force from and after its passage.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839. AN ACT to locate a State road from the dividing line between the counties of Vermilion and Iroquois, at the point where the Butterfield trace crosses said line.

Com'rs to  
locate road.

Course of  
road.

Place and  
time of meet-  
ing.

Map deposit-  
ed with coun-  
ty com'rs.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James Smith, Alanson Hawkins, and John Johnson, all of the county of Iroquois, be, and they are hereby, appointed commissioners to view, survey, mark, and locate a State road commencing at and running from the dividing line between the counties of Vermilion and Iroquois, at the point where the Butterfield trace crosses said line, to Ash Grove, on the West fork of Sugar creek; thence to Jefferson point, on Spring creek; thence to Plato; thence, down the Iroquois river, to the Kankakee river; from thence, in the most suitable and eligible direction, until it intersects a State road running from the mouth of the Iroquois river to Juliet, in Will county.

SEC. 2. The said commissioners, or a majority of them, shall meet at the house of Levi Thompson, Esq., in Iroquois county, on or before the second Monday in August next, or within one month thereafter, who, after being duly sworn before some justice of the peace in said county faithfully to observe the provisions of this act, shall proceed to view and locate said road; and the said commissioners, on or before the first day of October next, shall make, or cause to be made, a true survey and map of said road, signed by them, and deposited with the county commissioners in the several counties through which said road shall pass; which road, when laid out as aforesaid, shall be deemed and considered a public State road; and the county commissioners' courts of the counties through which said road is so located and laid out shall appoint supervisors, who shall cause the same to be opened and worked and kept in repair as other public works [roads] are.

SEC. 3. The commissioners appointed in the first section of this act shall receive for their services a just compensation, not exceeding two dollars per day, out of the funds of each county, respectively, through which the said road shall thus be located: *Provided* the county of Will shall not be compelled to pay any part of the expense of said road, without the county commissioners of Will county shall consent to pay the same.

APPROVED, March 2, 1839.

AN ACT to establish a State road from Jameson's ferry, in Pope county, In force, Mar. 2, 1839.  
to Cape Girardeau.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Matthew McClure, of Alexander county, John L. Cooper, of Johnson county, Com'rs to locate and William Sharp, of Pope county, be, and they are hereby, cate road. appointed commissioners to view, survey, and locate a road from Jameson's ferry, in Pope county, to the Mississippi river, in Alexander county, opposite to Cape Girardeau, in the State of Missouri.

SEC. 2. The said commissioners, or a majority of them, Time & place of meeting. shall meet at Jameson's ferry, on the first Monday of June next, or within three months thereafter, who, after being duly sworn by some justice of the peace faithfully to discharge the duties enjoined on them by the provisions of this act, shall proceed to view, survey, and locate the said road between the points named in the first section of this act, upon the most eligible and direct route, via or near the Cache bridge, in Alexander county, and Hazlewood, on Sexion's creek, doing as little injury to private property as possible.

SEC. 3. The said road, when laid out as aforesaid, shall Public highway. be deemed a public highway; and the county commissioners' courts of the several counties through which said road may pass, shall appoint supervisors over said road, and cause the same to be opened and kept in repair as other State roads are.

SEC. 4. The commissioners appointed under the provisions of this act shall receive a just compensation for the time they are necessarily employed in the several counties herein mentioned, each county paying for the time necessarily employed therein.

SEC. 5. This act to be in force from and after its passage.

APPROVED, March 2, 1839.

AN ACT to repeal "An act concerning the State road from Vienna to Equality." In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* so much of an act, entitled "An act to relocate part of a certain State road therein named," as relates to a change and relocation of said road within the limits of Gallatin county, (the same being the State road from Vienna to Equality,) be, and the same is hereby, repealed. Act repealed.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839. AN ACT to establish a State road from Joseph Huey's, in Clinton county, to the northeast corner of Fayette county.

Com'r to locate road.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Turner S. Nichols, of Clinton county, Thomas Robinson and John D. Brown, of Fayette county, be, and they are hereby, appointed commissioners to view, mark, and locate a State road, on the nearest and best ground, doing as little damage to private property as possible, from Joseph Huey's, in Clinton county, to intersect the road leading from Salem to Vandalia at or near the Hickory creek bridge; thence to intersect the road leading from Hardy Foster's to Shelbyville, in the northeast corner of Fayette county.

Time & place of meeting.

To be sworn.

Compensation.

SEC. 2. The said commissioners, or a majority of them, shall meet at the house of Joseph Huey, in Clinton county, on the first Monday in the month of May next, or some day thereafter, and, before entering on the duties assigned them by this act, shall take an oath before some justice of the peace of Clinton county faithfully and impartially to discharge the duties enjoined on them by this act, shall proceed to locate the said road as provided for in the first section of this act; and the road so laid out is hereby declared a State road; and it is hereby made the duty of the county commissioners' court of each of the counties through which the same may pass to cause the same to be opened and kept in repair as other State roads are; and shall also allow each of the commissioners, out of their respective county treasuries, a reasonable compensation per day for the time actually spent in locating said road in the respective counties.

APPROVED, March 2, 1839.

---

In force, Mar. 2, 1839. AN ACT for the relief of Andrew Cochran and other actual settlers on section No. 16, township No. 14 south, range No. 3 east.

Section 16 to be subdivided and valued.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners of the county of Johnson be, and they are hereby, authorized (if three-fourths of the inhabitants of said township shall petition therefor) to appoint three disinterested freeholders, remotely situated from said land, who shall, after being duly sworn faithfully and impartially to perform the duties enjoined on them by this act, proceed to divide and subdivide the said sixteenth section in legal divisions of not less than forty nor more than eighty acres, and shall value the said land at its true value, without regard to the improvements thereon.

SEC. 2. Said commissioners hereby appointed shall make a plat designating each lot by its numbers, and note particularly the valuation of each lot, and shall return the same, certified by them, to the county commissioners' court; and the



county commissioners shall direct the school commissioner of Notice of sale. the county to proceed to sell the said land (giving at least thirty days' notice of such sale, by posting up at least six printed or written notices of such sale,) to the highest bidder, in cash, or on a credit of one, two, and three years, provided such wish be expressed in the petition for the sale, for the use of said township.

SEC. 3. It shall be lawful for any of the actual settlers on any of said lots, previous to the day of sale, to pay to the school commissioners the amount of the valuation of his respective lot: *Provided*, no sale shall take place unless the valuation shall exceed one dollar and twenty-five cents per acre. Settlers may purchase at valuation.

SEC. 4. The actual settlers on any of these lands who may pay the appraised value of his lot of land to the school commissioners, the[y] shall pay all the expenses of such valuation and sale; and the school commissioners shall give certificates to such purchasers, as in other cases of sales of sixteenth sections. Settlers to pay expenses.

APPROVED, March 2, 1839.

AN ACT authorizing the county commissioners' court to construct certain roads in Greene county. In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the county commissioners of Greene county shall, at the June term of said court, or at any regular term thereafter to be held during the present year, appoint three suitable persons who are residents in that part of Greene county south of the Macoupin creek; and three other persons who are residents in that portion of the said county which lies between Apple creek and Macoupin creek; also three other persons who reside in that part of the county which lies north of Apple creek, for the purpose of viewing, surveying, and permanently locating the roads from the towns hereinafter mentioned. Locati<sup>n</sup> roads.

SEC. 2. The three persons who may be appointed agreeable to the first section of this act, in that part of the county lying south of the Macoupin, shall, within three months after their appointment, proceed to view, survey, and permanently locate a road from the town of Jerseyville to some point on the Mississippi or on the Illinois river, as may be prayed for by a petition of the citizens of that part of the county; the three persons who may be selected in that part of the county lying between Apple creek and Macoupin, agreeable to the provisions of the first section of this act; shall also, within three months after their appointment, proceed to survey and permanently locate a road from the town of Carrollton to some point on the Illinois river as may be petitioned for by the citizens living in the centre part of the county; and the three persons living Com'rs to locate road from Jerseyville.  
From Carrollton.

From White-  
hall.

north of Apple creek, which may be appointed as above provided, who reside north of Apple creek, shall also, within three months after their appointment, proceed to survey and permanently locate a road from the town of Whitehall to some point on the Illinois river which may be petitioned for by the citizens who reside in that part of the county.

SEC. 3. In all cases arising under this act where there are conflicting opinions in regard to the location and point of termination of the roads herein authorized to be made, the county commissioners' court shall authorize and direct that the two routes having the highest and greatest number of petitioners shall be surveyed and viewed as directed in this act; and the viewers shall decide and determine which of the two routes is the most preferable, and report accordingly; which report shall be final; and the survey and reports, together with plats of the same, shall be entered upon the records of said court; the reports and surveys to be made and returned at the next succeeding term of the court.

Cost to be es-  
timated.

SEC. 4. The county commissioners' court of the said county shall, at the term of said court at which the viewers are appointed, select some competent person to estimate the probable costs of constructing the roads herein authorized to be made, estimating the costs of each separately.

\$18,000 set  
apart to open  
and construct  
roads.

SEC. 5. The sum of eighteen thousand dollars of the distributive share which the said county of Greene has or may receive out of the two hundred thousand dollars belonging to certain counties through which no railroad should run, agreeable to the "Act to create and maintain a general system of internal improvement," shall be set apart and applied by said court for the purpose of opening, constructing, and improving said roads, as by this act laid out, in the manner that said court may order and direct.

Agents to let  
contracts.

SEC. 6. The said county commissioners' court shall have power and authority to appoint an agent or agents, whose duty it shall be to let and enter into contracts with responsible individuals to construct the roads herein authorized to be made, under any order, or agreeable to the rules and regulations made by said courts. The said agents and viewers, and the individuals which may be appointed to make the estimates as directed in the fourth section of this act, shall severally, before they enter upon their respective duties, take an oath faithfully and impartially to perform their respective duties to the best of their ability and judgment; which oath shall be administered by the clerk of the said county commissioners' court, or by any justice of the peace; and each person appointed agreeable to the provisions of this act shall receive a compensation out of the county treasury, not exceeding two dollars and fifty cents for each day which they may be employed in performing the duties required by this act.

Compensa-  
tion.

Money, how  
appropriated.

SEC. 7. The sum set apart as mentioned in the fifth section shall be expended on the several roads herein contem-



plated to be constructed, in proportion to the sum necessary to construct the same, agreeable to the estimates made as directed in the fourth section of this act.

SEC. 8. If the county of Jersey shall become organized as one of the counties of this State agreeable to the provisions of an act passed at the present session of the General Assembly creating said county conditionally, then, and in that case, so much of this act as relates to that portion of the county of Greene as now organized, which may constitute and form the said county of Jersey, shall be null and void; and the sum applied and set apart, mentioned in the fifth section of this act, shall be reduced to the sum of twelve thousand dollars, to be expended on the roads from the towns of Carrollton and Whitehall, in accordance to the provisions of this act; and all expenses and liabilities incurred by the county of Greene in executing this law in said county of Jersey, shall stand as a credit to the county of Greene in adjusting and settling the account between said counties touching the distributive share of the two hundred thousand dollars mentioned in the fifth section of this act.

If Jersey co. is organized,

sum set apart reduced to \$12,000.

APPROVED, March 2, 1839.

AN ACT to provide for the probate of wills in certain cases.

In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all cases wherein probate justices of the peace, or such other person as may be authorized by law to grant probate of wills and testaments, may and shall have become a witness to any will or testament which is required by law to be proved before him as such probate justice of the peace, or person authorized to grant probate as aforesaid, and the testimony of such witness is necessary to the proof of the same, then, and in such case, it shall be his duty to go before the circuit court of the county in which such will is to be admitted to record, and make proof of the execution of the same in the same manner that probate of wills is required to be made in other cases. And it shall be the duty of the clerk of the circuit court aforesaid forthwith to certify such will, proven as aforesaid, to the probate court of the county; and said will shall thereupon have the same force and effect that it would have had if it had been proven by one credible witness before the court of probate; and if there are other witnesses to said will, the court of probate shall take their evidence in support of said will, as in other cases.

Witnesses of wills.

If probate justice be witness he shall go before cir. court.

Duty of clerk

APPROVED, March 2, 1839.



In force, Mar.  
2, 1839.

AN ACT altering, in part, Archer's addition to Lockport.

Street perma-  
nently estab-  
lished.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That, in order to have Commerce street, in Archer's addition, connect in a true line, and be of the same width, viz., eighty feet, with said named street in Lockport proper, as laid off by the State, in Will county, on the Illinois and Michigan canal, said street, in said addition, is hereby laid over and permanently established twenty feet further west; and the land so thrown off on the east is added to the lots and blocks on the east side of said Commerce street; to inure and be the property in *fee simple*, forever, of the present and future owners of the lots bounding on the east side of said street.

Green street  
abolished.  
Land added  
to blocks.

SEC. 2. Green street, in said addition, is hereby wholly abolished and forever vacated, and the land in said street is added to the blocks on said street by a line in centre, making all the lots in the two tier of blocks equal in depth: *Provided*, it shall be incumbent on the proprietor to procure the assent, in writing, to said alterations, from the purchasers of lots in said addition; which shall be recorded in the recorder's office of Will county. A plat, showing the alteration herein named, may be recorded in said county.

Proviso.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839. AN ACT to locate a State road from Charleston to James Keller's, on the Springfield trace.

Com'rs to lo-  
cate road.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Thomas B. Peyton, of Coles county, Andrew Love, of Macon county, and Jesse Ellis, of Shelby county, are hereby appointed commissioners to view, mark, and locate a State road from Charleston, in Coles county, to or near James Keller's, on the Springfield trace, in Macon county, via the Dead-man's grove, in Coles county, crossing the Kaskaskia at or near Hawkins Fuller's.

Time and  
place of  
meeting.  
To be sworn.

SEC. 2. Said commissioners, or a majority of them shall meet at H. Fuller's, on or before the first day of September next, and, after being duly sworn to faithfully perform the duties required of them, shall proceed to view, mark, and locate said road; and, when located, they shall transmit plats thereof to the clerks of the county commissioners' courts of the respective counties through which it passes; and, when located, it shall be, to all intents and purposes, a State road.

Transmit plat  
to clerks.

Pay of com'rs.

SEC. 3. The county commissioners' courts of the counties through which the road passes shall allow said commissioners a reasonable compensation for their services, in proportion to the time employed in each county by said commissioners.

APPROVED, March 1, 1839.

AN ACT for for the benefit of the counties therein named.

In force, Mar.  
2, 1839.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of twenty-five thousand dollars be, and the same is hereby, appropriated from the internal improvement fund created by an act of the General Assembly, entitled "An act to establish and maintain a general system of internal improvement," approved 27th February, 1837, to the counties of Stephenson, Winnebago, Boone, McHenry, Henry, Kane, De Kalb, Cass, Livingston, and Whiteside; which sum shall be, by the Fund Commissioners, divided among, and paid over to, the said counties as follows, videlicet: To the county of Stephenson, one thousand nine hundred and seventy-four dollars and sixty-six cents; to the county of Winnebago, three thousand one hundred and fourteen dollars and eighty-three cents; to the county of Boone, one thousand four hundred and thirty-five dollars and twenty-two cents; to the county of Henry, one thousand dollars; to the county of McHenry, three thousand five hundred and seventy-four dollars and fifty-eight cents; to the county of De Kalb, one thousand nine hundred and thirty-one dollars and seventy-five cents; to the county of Kane, five thousand two hundred and ninety-seven dollars and nine cents; to the county of Cass, three thousand five hundred and forty-three dollars and ninety-three cents; to the county of Livingston, one thousand and twelve dollars and twenty-nine cents; to the county of Whiteside, two thousand one hundred and fifteen dollars and sixty-five cents; and the receipt of the county commissioners, or their authorized agent, shall be a sufficient voucher to the Fund Commissioners for the payment of any and all of the sums of money aforesaid.

**SEC. 2.** The moneys appropriated by this act shall be applied exclusively by the county commissioners' court receiving the same to the building of bridges and the improving of public roads in their respective counties: *Provided, That* all the necessary improvements on State roads shall be first made: *And provided, further, That,* in the county of Stephenson, the bridges and other necessary improvements on the Chicago and Galena State road shall be first made: and, in the county of Winnebago, the bridge across Cedar creek, on the State road leading by Bloomington to the mouth of the Pickatonia, and the improvements of the Great Western mail route or road from the east to the west line of Winnebago county, shall first be made and paid for from the sum appropriated to said county: and, in the county of Boone, the bridge across Coon creek, on the State road, shall first be finished, and the Belvidere bridge shall next be finished, or, if finished, the demands against the said county existing therefor shall next be paid; and the next appropriation shall be made for the building of a good and sufficient bridge across the Beaver creek where the Great Western mail road crosses

the same; and the next shall be a sufficient appropriation to purchase plank and cover the Kishwaukee bridge at Amesville where the Belvidere road crosses the same, and the bridge across the Piscasaw near T. Caswell's; and, in the county of Whiteside, one-third part of the appropriation hereby made shall be expended on bridging the Cat-tail swamp, Johnson's creek, and other improvements on the State road leading from Rock Island to Savannah: with the balance of said appropriation the necessary bridges and improvements shall be made on the State road leading from Prophets-town to Savannah, and on the State road leading from Dixon's to Fulton city and the State road running up on the south side of Rock river; and if any of the appropriations aforesaid shall not be exhausted on the works and improvements aforesaid, such surplus shall be expended in such manner on roads as the respective courts may judge expedient, State roads having preference.

Works to be  
let out.

SEC. 3. That all improvements to be made under the provisions of this act, when the cost thereof shall not exceed fifty dollars, shall be let by, and the work done under, the inspection of the supervision of the district in which the improvement is to be made; but when the cost of any bridge, or other improvement to be made under the provisions of this act, shall exceed fifty dollars, the county commissioners shall give three weeks' public notice of the letting thereof, by posting up one notice on the court house door, and two others in the most public places in the county, describing the work to be done, and fixing the day and hour for the commencement of the letting of said work; and the same shall be let to the lowest responsible bidder.

New counties  
to receive pro-  
portion.

SEC. 4. That if any county or counties shall be created, or portions detached from any of the counties aforesaid, during the present session of the General Assembly, it shall be the duty of the county commissioners' court from which such county or counties are taken, or portion detached, to pay the order of the county commissioners' court of the new county or counties, or to which said portion or portions shall be attached, a rateable proportion of their respective appropriations, the amount to be determined, as near as possible, by the votes given in said new county, or detached portion, at the August election, A. D. 1839. The further sum of two thousand dollars is hereby appropriated to the county of Scott, to be appropriated on the road leading from Winchester to Augusta, under the direction of the commissioners' court of said county, the money to be paid on the order of said court.

\$2,000 to  
Scott.

APPROVED, March 2, 1839.



AN ACT to locate and establish certain State roads in Peoria and Knox counties. In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Josiah Fulton, John Armstrong, and Edward Dickinson, of the county of Peoria, be, and they are hereby, appointed commissioners to view, mark, and locate a State road from the State road leading from Peoria to Galena, via Osceola, commencing at some point on said road on section number thirty-three, town nine north, of range eight, east of the fourth principal meridian, running westward to intersect the Peoria and Knoxville county road at some point on said road on section twenty-nine, town nine north, of range eight, east of the fourth principal meridian. Com'rs to locate road.  
Course of road.

SEC. 2. The said commissioners, or any two of them, shall meet at the court-house, in the town of Peoria, on the first Monday in April next, or some day thereafter; and, before entering on their duties assigned them by this act, shall take an oath, before some justice of the peace of said county of Peoria, faithfully to perform the duties required of them by this act, and shall proceed to view, mark, and locate the said road on the nearest and most eligible ground. Time and place of meeting.

SEC. 3. *And be it further enacted,* That the county road leading from Peoria to Knoxville, via Charleston, in Knox county, be, and the same is hereby, declared a State road from the points where the aforesaid commissioners shall locate the road hereinbefore provided for to Knoxville, in Knox county; which said road shall be opened and kept in repair as other State roads are. Road from Peoria via Charleston a State road.

SEC. 4. Said commissioners shall receive for their services a reasonable compensation, not exceeding one dollar and fifty cents per day, to be paid out of the county treasury of said county of Peoria. Pay for services.

SEC. 5. That the county road now leading from Charleston to Rochester, in the county of Peoria, be, and the same is hereby, declared a State road, and shall be kept in repair as other State roads. County road from Charleston to Rochester.

SEC. 6. *Be it further enacted,* That D. G. Garnsey and Isbamar Pittsbery, of Henry county, and C. W. Stanton, of Peoria county, are hereby appointed commissioners to view, mark, and locate a State road from Rochester, in Peoria county, via Victoria, twelve north, of range four east, section seventeen, and Andover, fifteen north, two east, to Stephenson, in Rock Island county. Com'rs to locate road from Rochester to Stephenson.

SEC. 7. The said commissioners, or a majority of them, shall meet at Rochester, on the first Monday in April next, or some day thereafter, and after being first duly sworn, before some justice of the peace, faithfully to discharge the duties required of them by this act, shall proceed to view, mark, and locate said road upon the nearest and best route, When and where to meet.

doing as little injury to private property as the public good will permit.

**Plat filed in clerk's office.** SEC. 8. The said commissioners shall be required to return, to the clerk of the county commissioners' court of the several counties through which the same shall pass, a correct plat of the survey of said road in their respective counties; which plat shall be filed in the office of said clerks.

**Allowance to com'rs and persons employed by them.** SEC. 9. The county commissioners' courts of the several counties through which the said road shall pass shall allow the said commissioners a reasonable compensation for their services in laying out said road, together with a reasonable compensation to such other persons as shall be employed by them in the discharge of the duties assigned them by this act, which shall be paid, by the several counties through which the said road shall pass, in proportion to the distance in each.

**How paid.**

APPROVED, March 2, 1839.

**In force, Mar. 2, 1839.**

AN ACT to relocate the county seat of Winnebago county.

**Duty of county com'rs to give notice of election for county seat.** SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* for the purpose of permanently locating the seat of justice of Winnebago county, it shall be the duty of the county commissioners' clerk of said county, on or before the first day of April, 1839, to give written notice to the several judges of election in each precinct, that, on the first Monday in May, 1839, an election for the selection of a seat of justice for said county will be held for that purpose.

**Votes to be canvassed.**

SEC. 2. The votes thus polled shall be canvassed as the law directs, in general elections; and if it shall appear that within one hundred of a majority of all the votes given are in favor of the town of Winnebago, then the said town shall be and remain the permanent county seat of said county; and all the provisions of the act, entitled "An act to establish certain counties," approved January 16, 1836, relating to the seat of justice of said county, shall be and remain in full force.

**Act in full force.**

**If more than two points are voted for.**

SEC. 3. But if any other place, (after the first election as hereinafter provided) in said county, shall receive a majority of all the votes given, then such place shall be and remain the seat of justice of said county. If there should be more than two places voted for, and no one place receiving a majority of all the votes polled, then there shall be an election held on the first Monday of each succeeding month, dropping off, at such election, the place receiving the smallest number of votes, until some one place shall receive a majority of all the votes given; which place shall be and remain the permanent seat of justice of Winnebago county; and th

provisions of the act mentioned in the second section of this act shall be applicable to the county seat of Winnebago, wherever it may be located.

SEC. 4. When it shall be determined what place is selected, it shall be the duty of the county commissioners immediately to proceed to erect, or cause to be erected, a suitable court house, jail, and other public buildings for said county, on the best and most advantageous terms they can for the interest of said county. When selection is made. Court house and jail.

SEC. 5. If the county seat of said county shall be moved from the town of Winnebago, the county commissioners of said county shall reconvey to N. Bolvin all the land or lots heretofore conveyed by him to the county of Winnebago. If county seat be moved, co. com'rs to reconvey lots.

APPROVED, March 2, 1839.

AN ACT in relation to the county of Macon.

In force, Mar.  
2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter all that territory or tract of country lying between the counties of Logan and Dane, and extending four miles west of the third principal meridian, shall be attached to, and constitute a part of, the county of Macon. This act to take effect from and after its passage. Territory attached to Macon.

APPROVED, March 2, 1839.

AN ACT authorizing the county commissioners' court of Madison county to levy and collect a special tax. In force, Mar.  
2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That for the purpose of enabling the county of Madison to discharge the debts created by the authority of the county commissioners' court of said county, in building a bridge across Wood river, at Milton, in said county, the county commissioners' court of said county of Madison is hereby authorized and empowered to levy and collect a special or additional tax, of not exceeding one-half of one per centum per annum, for the years eighteen hundred and twenty-nine and forty, on all taxable property, real and personal, in said county of Madison; which tax shall be levied and collected in the same manner as other taxes; when so collected, shall be applied to the liquidation of the debts as above described, unless the same shall have been previously paid; in which event, the amount of taxes so collected shall be paid into the county treasury, and used for other county purposes. Special tax to pay county debt.

APPROVED, March 2, 1839.



In force, Mar.  
2, 1839.

AN ACT regulating evidence in certain cases.

Names of  
partners un-  
necessary.

Proviso.

Actions  
against two  
or more de-  
fendants.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in trials of actions upon contracts, express or implied, when the action is brought by partners, or by joint payees or obligees, it shall not be necessary for the plaintiff, in order to maintain any such action, to prove the names of the co-partners or the christian names of such joint payees or obligees, but the names of such co-partners, joint payees or obligees, shall be presumed to be truly set forth in the declaration or petition: *Provided,* That nothing herein contained shall prevent the defendant in any such action from pleading, in abatement as heretofore, or of proving, on the trial, either that more persons ought to have been plaintiffs, or that more persons have been made plaintiffs, than have a legal right to sue.

SEC. 2. On actions against two or more defendants upon contracts in writing, alleged to have been made or executed by such defendants as partners or otherwise, proof of the joint liability of the defendants shall not be required to entitle the plaintiff to judgment, unless such proof shall be rendered necessary by pleading in abatement, or the filing of pleas denying the execution of such writing, verified by affidavit, as required by the "Act concerning practice in courts of law," approved on the twenty-ninth day of January, one thousand eight hundred and twenty-seven.

APPROVED, March 2, 1839.

In force, Mar.  
2, 1839.

AN ACT to quiet possessions and confirm titles to land.

Persons hold-  
ing lands by  
title, and who  
pay all taxes.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter every person in the actual possession of land or tenements, under claim and color of title made in good faith, and who shall, for seven successive years after the passage of this act, continue in such possession, and shall also, during said time, pay all taxes legally assessed on such land or tenements, shall be held and adjudged to be the legal owner of said land or tenements, to the extent and according to the purport of his or her paper title. All persons holding under such possession, by purchase, devise, or descent, before said seven years shall have expired, and who shall continue such possession, and continue to pay the taxes as aforesaid, so as to complete the possession and payment of taxes for the term aforesaid, shall be entitled to the benefit of this section.

Title to va-  
cant land.

SEC. 2. Hereafter, whenever a person having color of title, made in good faith, to vacant and unoccupied land, shall, after the passage of this act, pay all taxes legally assessed thereon for seven successive years, he or she shall be deemed and adjudged to be the legal owner of said vacant

and unoccupied land, to the extent and according to the purport of his or her paper title. All persons holding under such tax-payer, by purchase, devise, or descent, before said seven years shall have expired, and who shall continue to pay the taxes as aforesaid, so as to complete the payment of taxes for the term aforesaid, shall be entitled to the benefit of this section: *Provided, however,* If any person, having a better paper title to said vacant and unoccupied land, shall, during the said term of seven years, pay the taxes assessed on said land for any one or more years of the said term of seven years, then and in that case such tax-payer, his heirs and assigns, shall not be entitled to the benefit of this section. Proviso. When tax is paid 7 years.

SEC. 3. The above sections of this act shall not extend to land or tenements when there shall be an adverse title to such land or tenements, and the holders of such adverse title is under the age of twenty-one years, insane, imprisoned, feme covert, out of the limits of the United States, and in the employment of the United States or of this State: *Provided* such person shall commence an action, to recover such land or tenements so possessed as aforesaid, within three years after the several disabilities herein enumerated shall cease to exist, and shall prosecute such action to judgment, or, in case of vacant and unoccupied land, shall, within the time last aforesaid, pay to the person or persons who have paid the same all the taxes, with interest thereon, at the rate of twelve per cent. per annum, that have been paid on said vacant and unimproved land. Proviso.

SEC. 4. This act shall not be construed to extend to any land or tenements owned by the United States or this State, nor to school or seminary land, nor to land held for any public purpose. This act to take effect from and after its passage.

APPROVED, March 2, 1839.

AN ACT to amend "An act in relation to religious societies."

In force, Mar.  
2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter it may be lawful for any religious society, in this State, to purchase, or receive by a donation, and hold any real estate, not exceeding forty acres, for the purpose of camp-meeting ground and the lots necessary for the same. Societies may hold land.

SEC. 2. The title to said real estate shall be held by trustees appointed by said society; and the same may become incorporated according to the provisions of "An act concerning religious societies," in force, March 1, 1835. This act to take effect from and after its passage. In name of trustees.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839. AN ACT declaring a certain county road, in McLean county, a State road.

County road  
declared a  
State road.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all that county road in McLean county, beginning at Bloomington, and running by the lands of William Bishop, to the town of Le Roy; thence, by the lands of David Nott, Aquilla Conaway, John W. Badley, and Henry Merrifield, to Mount Pleasant; thence to intersect the State road leading from Danville, by the way of Urbana, at the east boundary line of said county, be, and the same is hereby, declared a State road; and so much of said road as lies within the recorded plat of the town of Le Roy, with the additions, is hereby vacated.*

APPROVED, March 2, 1839.

In force, Mar. 2, 1839.

AN ACT concerning the town of Moscow, in Wayne county.

Proprietors  
released.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the proprietors of the town of Moscow, in the county of Wayne, be, and they are hereby, released from all penalties and forfeitures incurred by them in selling lots in said town without first having the plat thereof recorded, upon condition that the said proprietors shall deliver up and cancel all notes for lots in said town, and withdraw all suits that may be instituted by them for any recovery of money promised for any lots in said town.*

Suits, when  
dismissed.

SEC. 2. That if any suit or proceeding shall have been commenced against said proprietors for the recovery of any penalty as aforesaid, the said suits shall only be dismissed upon the payment, by the said proprietors, of all costs.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839.

AN ACT to authorize Joshua Vandruff to establish a ferry across Rock river, at Vandruff's island.

Vandruff may  
maintain a  
ferry across  
Rock river.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Joshua Vandruff and his associates, and their heirs and assigns, be, and they are hereby, authorized to establish and maintain a ferry across Rock river, at such point as shall be most convenient at Vandruff's island, on lands owned by the said Vandruff, his associates or assigns, on said island, and the opposite shores in the county of Rock Island for, and during the term of ten years from and after the passage of this act.*

SEC. 2. The boat or boats necessary for the conducting of the said ferry may be so constructed as to be propelled by



steam, horse, or such other power or means as the said proprietors may deem expedient.

SEC. 3. When the said ferry is established, it shall and When ferry may be lawful for the said Joshua Vandruff, his associates, is established. their heirs and assigns, to demand and receive, from all persons crossing said ferry, for and during the time aforesaid, the following rates of ferriage, videlicet: For each loaded wagon, drawn by two horses or oxen, seventy-five cents, and Rates of toll. for each additional animal by which the same is drawn, twelve and a half cents; for the same without a load, sixty-two and a half cents, and for each additional animal by which the same is drawn, twelve and a half cents; for each sulky, gig, or other vehicle, drawn by one horse, and driver, thirty-seven and a half cents; for each coach, barouche, or other pleasure carriage, drawn by two horses, and the driver, seventy-five cents, and twelve and a half cents for each additional horse; for each man and horse, twenty-five cents; for each head of neat cattle, six and one-fourth cents; for each head of sheep, hogs, or goats, four cents; for each footman, twelve and a half cents; and for crossing freight, six and one-fourth cents per hundred weight.

SEC. 4. The ferry hereby granted shall be in all respects Ferry, how governed by the laws regulating ferries, toll-bridges, and turn-governed. pike roads, except as is herein otherwise provided.

APPROVED, March 2, 1839.

AN ACT to authorize the resurvey of the town of Peru, in La Salle county. In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That George B. Martin, Ward B. Burnett, and George W. Halley, are hereby created commissioners with power to cause a resurvey of the town Courts to resurvey town of Peru, in La Salle county, to be made in such manner as survey town of Peru. to conform to the course of the Illinois river to the survey of the Ninaway addition to said town, and in such other manner as to increase the value and improve the location of the lots in said town; and if private property is taken for public If private property be taken. use, the same shall be paid for as provided herein: *Provided,* That the corporation of said town shall be liable for any damage that may result by such resurvey to any individual landholder in said town, such damage to be assessed by three Damages to be assessed. persons, under oath, selected for that purpose by the county commissioners' court of said county of La Salle.

SEC. 2. The commissioners created by this act shall certify their approval to the resurvey upon the plat of the same, Certify approval of resurvey. as being in conformity to their directions; which said plat, so certified to, shall be recorded in the office of record of La Salle county.

SEC. 3. By the recommendation of the commissioners created by this act, the president and trustees of the town of

Peru, and their successors in office, are hereby authorized to purchase, hold, and convey any real estate in said town, which may be necessary for the accomplishment of the objects contemplated by this act—all purchases, however, to be at the valuation made by three persons selected as heretofore provided.

Expenses how  
paid.

SEC. 4. The expenses incurred in making the resurvey shall be paid by the president and trustees of the town of Peru.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839. AN ACT to authorize George W. Jones to establish a ferry from Jordan's ferry to Du Buque.

Ferry to Du  
Buque.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That George W. Jones, of the county of Jo Daviess, is hereby authorized and licensed to keep a ferry across the Mississippi river, from a point called Jordan's ferry to Du Buque, on the opposite side of the river, in the Territory of Iowa; and said Jones, his heirs and assigns, shall have the exclusive right of having, maintaining, and using a ferry across the river at the place aforesaid, and to have and receive all advantages and emoluments arising from the use of said ferry, for and during the period of ten years: *Provided, however,* That the county commissioners' court of the county of Jo Daviess shall have the right to assess an annual tax upon the said ferry equal to that levied upon other ferries in said county similarly situated; and this act shall be deemed a contract between the State and said Jones, the said Jones agreeing, on his part, in consideration of the privilege granted, to keep the said ferry, and use the same according to the laws of the State regulating ferries: *Provided,* no privilege conferred by this act shall prejudice the claim of William H. Whiteside, or his legal representatives, in any claim he may have on said ferry or ferry landing.

Proviso.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839.

AN ACT relating to the duties of county commissioners.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented the General Assembly,* That the annual statement, heretofore required by law to be made by the county commissioners' courts of each county, of the fiscal concerns of their respective counties, shall hereafter specify the amount of money paid out of the county treasury during the preceding year; to whom paid, and for what purposes; and likewise the amount of the county orders issued and unredeemed during the same year.

APPROVED, March 2, 1839.

AN ACT to locate a State road from Belleville to Brownsville.

In force, Mar.  
2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Reuben Lively, of St. Clair county, George Thomason, of Randolph county, and James Bradley, of Jackson county, be, and they are hereby, appointed commissioners to view, survey, and locate, a State road from Belleville, in St. Clair county, to Athens, Columbus, and Georgetown, in Jackson county. Com'rs to locate road

SEC. 2. Said commissioners, or a majority of them, shall meet at Belleville, on the first Monday in April next, or as soon as practicable thereafter, and, after being duly sworn to discharge their duties impartially and to the best of their judgment, shall proceed to lay out and establish said road on the most eligible route, and make return thereof to the several county commissioners' courts, of so much of said road as may be located in each of said counties; which shall be recorded, filed, and preserved. Time and place of meeting.

SEC. 3. The county commissioners' courts of the several counties through which said road shall be located shall pay to said commissioners, surveyor, and hands, a reasonable compensation for said services, the bill being made out with a view to the distance of road in each county; and the proportion due shall be certified by the commissioners herein stated, and, being so done, the counties shall pay the same. Compensation of commissioners.

APPROVED, March 2, 1839.

AN ACT to amend the several laws in relation to practice in courts of law, and for the benefit of A. McPhail and T. C. Kirkman. In force, Mar.  
2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That suits instituted in the name of one, for the use of another, shall not abate by the death of the person whose name is used as plaintiff, but shall be prosecuted to judgment and execution as though the person for whose use they may have been instituted was plaintiff; and persons for whose use suits are prosecuted shall be considered as parties to the proceedings so far as to authorize judgments against them for costs, and to make them liable for all fees of officers, as though their names were used as plaintiff, and so far as to allow them to prosecute appeals, writs of certiorari and writs of error, and to execute the necessary bonds for these purposes.

SEC. 2. In actions upon bonds, notes, and all other writings made assignable by law, in the name of the assignee, the plaintiff shall not be held bound to prove the assignments or the signature of any assignor unless the fact of assignment be put in issue by plea, verified by the affidavit of the defendant or some credible person, stating that he verily believes the facts stated in the plea are true. Actions on bonds.



Appeals to  
Sup. Court.

**SEC. 3.** In all cases, of appeals to the Supreme Court, where the appellant shall fail to prosecute the appeal, the Supreme Court shall, upon dismissing the appeal, enter judgment against the appellant for not less than five nor more than ten per cent. upon the amount of the judgment, for damages in consequence of the delay occasioned by such appeal.

Appeals to  
cir. court.

**SEC. 4.** In cases of appeals to the circuit courts from judgments of justices of the peace, the appellee shall be entitled to judgment not exceeding ten per cent. damages upon the amount of the judgment, if the appeal is dismissed for want of prosecution, or if the court shall be satisfied that the appeal was prosecuted for purposes of delay.

Duty of sher-  
iff of Sanga-  
mon county.

**SEC. 5.** The sheriff of Sangamon county shall hereafter attend upon the Supreme Court in the same way that the sheriff of Fayette county has been heretofore required to do.

T. C. Kirk-  
man & A. Mc-  
Phail.

**SEC. 6.** That Thomas C. Kirkman and Allen McPhail, justices of the peace, be each allowed the sum of five dollars for administering the oaths required by law to the members of the General Assembly; also, to said Kirkman, the sum of twelve dollars for two days' services as assistant clerk of the House of Representatives.

T. C. Kirk-  
man.

APPROVED, March 2, 1839.

In force, Mar.  
2, 1839.

**AN ACT** authorizing the settlement of the accounts of James Turney, late Attorney General, and for establishing two additional branches of the Bank of Illinois.

Aud. & Treas-  
urer to settle  
accounts.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Auditor of Public Accounts and the State Treasurer be, and they are hereby, authorized and required to settle the accounts of James Turney, Esq., late Attorney General of the State of Illinois; and they are hereby required to give him notice of the time and place of making such settlement, and shall settle the same according to principles of equity and justice; and after having made settlement of the accounts and indebtedness of the said James Turney as such Attorney General, they are hereby required to report the result of the same to the Governor of this State, who shall take such order thereon as the case may require.

Notice of time  
and place of  
settlement.

Bank at  
Shawneetown  
may establish  
two addition-  
al branches.  
Proviso.

**SEC. 2.** That the directors of the Bank of Illinois at Shawneetown be, and they are hereby, allowed to establish two additional branches of said institution in any county or counties in this State: *Provided* the bank shall agree to accept this amendment of its charter.

APPROVED, March 2, 1839.

AN ACT describing the mode of expending a part of the money arising from the sale of saline lands, which was appropriated to Marion county. In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there is hereby appropriated the sum of one hundred and fifty dollars, out of the money arising from the sale of saline lands in Gallatin county, and which was appropriated to Marion county for the purpose of erecting bridges in said county. The aforesaid sum of one hundred and fifty dollars is hereby appropriated for the purpose of erecting a bridge across the Raccoon fork of Crooked creek, in Marion county, on the road leading from Salem, in Marion county, to Nashville, in Washington county; the place to be selected and money expended under the direction of the county commissioners of Marion county, after said money is received by said county. Bridge.  
Com'rs to locate bridge.

APPROVED, March 2, 1839.

AN ACT changing the name of the town of Florence, in White county. In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the town of Florence, in the county of White, shall be, and it is hereby, changed, and said town shall hereafter be called and known in law as Grayville; and the plat recorded as the town of Florence shall be considered as an addition to the original town of Grayville, and called the river addition to the town of Grayville; and all writings and conveyances, describing lots or parts of lots as situated in the river addition to the town of Grayville, shall be deemed and considered as referring to the recorded plat of the said town of Florence. Name of town changed.

APPROVED, March 2, 1839.

AN ACT concerning the school fund in township thirteen north, of range eight west. In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the trustees of township thirteen north, of range eight west, in Morgan county, be, and they are hereby, required to examine the accounts of Samuel Givins, deceased, for teaching school in said township, and pay over to William T. Givins the amount of money, out of the school fund of said township, to which the said Samuel Givins would have been entitled out of said funds, as if he had made out and returned a schedule of his school according to law. Duty of trustees.

APPROVED, March 2, 1839.



In force, Mar.  
2, 1839.

AN ACT for the relief of William Hick and Timothy Guard.

Preamble.

WHEREAS, by the act of the sixteenth of January, one thousand eight hundred and thirty-six, entitled "An act relating to the Gallatin saline, and the lands belonging to the same," a pre-emption right to a part of the fraction of land on which the said Timothy Guard's furnace stood, not exceeding four acres, was granted to him at fifty cents per acre, for the purpose of erecting thereon a steam-mill: *and whereas* the said Guard and William Hick, the present proprietors of said four acres have, in the erection of a large steam-mill on said tract, placed the same a few feet over the line of a correct survey of said pre-emption tract, on land belonging to the State, being misled, as they represent, by the late county surveyor of Gallatin county: *and whereas* the said four acres were laid off by said former surveyor upon a line running parallel with the Saline creek, without reaching to low-water mark of said creek: Therefore,

May surren-  
der patent.

Proviso.

Com'r to give  
certificate of  
purchase.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful for the said Guard and Hick to surrender the patent held by them for the said four acres to which a pre-emption right was granted by the act aforesaid to said Guard, and to resurvey and relocate their said four acres, so that the same shall extend to low-water mark of the Saline creek, and include their said mill: *Provided,* That the line of said new survey shall not extend more than seventy-five feet west of the west line of said mill, and shall not run north further than the former survey of said four acres, as laid off by said former county surveyor.

SEC. 2. It shall be the duty of the commissioner of sales of saline lands in Gallatin county to receive the report of the present surveyor of the new location of said four acres, and to grant a certificate of purchase to the said Guard and Hick for the new survey of said four acres; and on the return of the same, with the patent which has issued for the said land as formerly surveyed, it shall be the duty of the Auditor to cancel said former patent, and cause a new patent to issue to the said Guard and Hick for the said four acres as located under this act.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839. AN ACT to regulate the compensation of sheriffs for conveying convicts to the Penitentiary.

Duty of sher-  
iff.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter, whenever any person shall be convicted and sentenced to confinement in the penitentiary for any criminal offence, it shall be the duty of the sheriff of the county where such conviction



was had to employ a sufficient force to guard all such convicts to the penitentiary; and the said sheriff shall be responsible for the safe delivery of such convicts; a failure to deliver the same shall be a breach of duty in the official conduct of such sheriff, for which he may be indicted as in other cases of mal-conduct in office.

SEC. 2. The said sheriff shall be allowed thirty cents for Pay of sheriff each mile necessarily travelled in going to the penitentiary with each convict; and each guard by him employed shall be allowed the sum of two dollars per day for each day's travel in going to the penitentiary with such convict; and the number of the guard shall be fixed by the circuit court. The said compensation to the sheriff and guard shall be paid out of the State treasury, on the warrant of the Auditor, and shall be in full of all charges and expenses whatsoever.

SEC. 3. The seventeenth section of "An act to amend an act, entitled 'An act relative to criminal jurisprudence,' approved January 6, 1827, and to provide for the regulation and government of the penitentiary," approved February 15, 1831, is hereby, repealed. Part of act repealed.

APPROVED, March 2, 1839.

AN ACT for a State road from Shelbyville, in Shelby county, to Hillsboro, in force, Mar 2, 1839.  
in Montgomery county.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That John Tackett, of Shelby county, and Andrew Burk, of Montgomery county, Com'rs to locate road.* be, and they are hereby appointed commissioners to view and locate a State road from Shelbyville, in Shelby county, by the way of Craddock's mill, thence to Audibon, and thence to Hillsboro, in Montgomery county, on the nearest and best ground, so as not to interfere with cultivated lands more than can be possibly avoided for the public convenience.

SEC. 2. It shall be the duty of said commissioners to meet Time & place at Shelbyville, on or before the first Monday in December of meeting. next, and, after having taken an oath before some justice of the peace faithfully and impartially to perform the duties required by this act, to proceed to mark and lay out said road above mentioned, and shall make due return thereof to the next county commissioners' court of each county.

SEC. 3. The county commissioners of the counties of Shelby and Montgomery shall allow said commissioners, out of their respective treasuries, a reasonable compensation for their services. Said road, when thus laid out and established, shall be deemed a State road, and kept in repair as such. Compensation.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839. AN ACT for the relief of purchasers of canal lots and lands, and for other purposes.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all persons who made purchases of lots and land of the Commissioners of the Illinois and Michigan canal, in the year one thousand eight hundred and thirty-six, shall be permitted to pay for said lots and land under and according to the provisions of the act, passed at the present session of the General Assembly, entitled "An act to amend the several laws in relation to the Illinois and Michigan canal." All such purchasers shall be permitted to surrender their certificates of purchase, and obtain new certificates; and have their notes or bonds cancelled, and execute new notes for the balance due, without paying ten per cent. in advance at the time of the surrender and cancelment. By the new notes they shall be bound to pay six per cent. per annum interest on the amount due, for twenty years, and then to pay the principal; and all the provisions of the act above recited shall be applicable to said purchasers, and their rights and liabilities shall be regulated and defined by the act aforesaid. The provisions of this act shall not in any manner affect the lien of the State upon the lots and lands and all improvements thereon for the payment of the purchase money; and purchasers who avail themselves of the provisions of this act shall hold the lots and lands, subject to all the conditions in the act aforesaid.

Canal lands  
and lots, how  
paid for.

Bonds cancel-  
led.  
Execute notes  
without inter-  
est in advance

Lien of State  
not affected.

Act to extend  
to heirs.

Improve-  
ments, how  
valued.

Lands select-  
ed to be sold.

Com'rs may  
purchase.

Valuation of  
lots, how  
made.

SEC. 2. The provisions of this act shall extend to heirs, devisees, and assignees of purchasers.

SEC. 3. In making the valuation of improvements upon canal lands under the law authorizing their valuation, the standard or rule of estimation shall not be what the improvements cost, nor what the making of such improvements would cost, at the date of valuation, but the estimate shall be the addition which the improvements make to the value of the land.

SEC. 4. In making the selections of lands to be sold whereon improvements are situated, the selections shall be confined to lands occupied or cultivated by persons having permits to occupy or cultivate the same.

SEC. 5. The Canal Commissioners shall be permitted to purchase the lots in Lockport, at their valuation, on which they have erected dwellings, and make payment therefor under and according to the provisions of the act recited in the first section of this act. The purchase shall extend to the improvements; and the cost of the improvements shall be paid without reference to their valuation. The lots shall be valued with reference to their actual value at the date of making improvements thereon, by the commissioners, having regard to the terms of sale.

SEC. 6. The valuation of said lots shall be made by three or more of the assessors appointed by the circuit court of Will county, or the judge thereof, and they shall make dupli-



cate certificates of their valuation; one shall be filed with the secretary of the Board of Canal Commissioners, and the other with the clerk of the circuit court of Will county.

SEC. 7. The first section of this act shall continue in force one year; the fifth and sixth sections six months, and no longer.

First section in force for one year; fifth and sixth, for six months.

SEC. 8. The Board of Canal Commissioners shall pay to William B. Archer, Gurdon S. Hubbard, and William F. Thornton, five dollars per day each, for the time they were detained in Vandalia on business connected with the canal during the session of the General Assembly which commenced on the first Monday in December, one thousand eight hundred and thirty-six, after the expiration of their term of their service as Canal Commissioners.

Com'rs to pay W. B. Archer, G.S. Hubbard, and Wm. F. Thornton.

SEC. 9. Forfeited lots in Chicago and Ottawa on which houses have been erected, or which are occupied by purchasers, their heirs or assigns, shall be reserved from sale until further provision shall be made by law.

Forfeited lots reserved from sale.

APPROVED, March 2, 1839.

AN ACT to amend the "Act concerning marriages."

In force, Mar. 2, 1839.

WHEREAS, under the provisions of the law regulating the mode of celebrating the rites of matrimony, and designating the persons who may celebrate these rites, doubts are entertained as to the right of any minister of the gospel to celebrate those rites, unless he have authority conferred upon him by some express action of the society to which he belongs: Therefore,

Preamble.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all marriages heretofore solemnized by ministers of the gospel, and those which may hereafter be so solemnized, shall be deemed and held to be lawful, and the issue of all such marriages shall be deemed legitimate: *Provided* this act shall not operate upon any marriages or issue, when such marriage was, or may be, consummated contrary to the laws of the land, for any other cause than that mentioned and provided for in this act.

Ministers can solemnize marriages.

Proviso.

APPROVED, March 2, 1839.

AN ACT to authorize the Governor to commission the sheriff of Schuyler county.

In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Governor be, and he is hereby, required to commission the sheriff of Schuyler county, in this State, any law to the contrary notwithstanding.

APPROVED, March 2, 1839.



In force Mar. 2, 1839. AN ACT to fix the time of holding courts in the several counties composing the fifth judicial circuit.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the terms of the circuit courts of the several counties in the fifth judicial circuit, in this State, shall commence at the times hereinafter specified, and continue to be held from day to day, Sundays excepted, until the business in said courts shall be disposed of, unless it shall be necessary to close the term to enable the judge to attend in the next county for the purpose of holding court:

Schuyler.	In the county of Schuyler, on the third Mondays of March and August;
Brown.	in the county of Brown, on the first Mondays of April and September;
Adams.	in the county of Adams, on the second Mondays of April and September;
Hancock.	in the county of Hancock, on the fourth Mondays of April and September;
McDonough.	in the county of McDonough, on the first Mondays of May and October;
Warren.	in the county of Warren, on the second Mondays of May and October;
Mercer.	in the county of Mercer on the third Mondays of May and October;
Knox.	in the county of Knox, on the fourth Mondays of May and October;
Fulton.	in the county of Fulton on the first Mondays after the fourth Mondays of May and October.

SEC. 2. All writs or other process which may have been issued from any of said circuit courts since the last term of the same, or which may hereafter be issued previous to this act being received in said counties, respectively, shall be deemed, and are hereby, made returnable on the first day of the next term of the said circuit courts to be held by virtue of this act, and all proceedings, both civil and criminal, which are now pending therein, shall be disposed of according to law, in the same manner as if no alteration had been made in the times of holding said courts.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839.

AN ACT in relation to the Penitentiary.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the first and second sections of an act, passed February 9, 1835, entitled "An act to amend an act, entitled 'An act to regulate the penitentiary,'" approved February 19th, 1833, are hereby repealed.

Act repealed. SEC. 2. The inspectors of the penitentiary are authorized and empowered to appoint a warden to superintend and manage the affairs of the same. The inspectors shall have power to revoke the appointment of the warden whenever, in their opinion; the interests of the State shall require it; but, unless so revoked, he shall hold his office for the term of two years, and until his successor is appointed and qualified.

Inspectors to appoint warden.  
Power to revoke.

SEC. 3. For the purpose of preventing the escape of convicts, the warden, with the approbation of the inspectors, may employ three able-bodied and trusty men as prison-<sup>Watchmen.</sup> guards, who shall alternately, under the direction of the warden, guard the prisoners as well by night as by day.

SEC. 4. On failure to realize, from the labor of the convicts confined in said penitentiary, a sum sufficient to defray the incidental expenses of the same and support the convicts, the inspectors shall have power to draw on the Auditor for a sum, not exceeding fifteen hundred dollars per annum, to supply the deficiency. <sup>When labor of convicts is not sufficient, Inspectors to draw on Auditor.</sup>

SEC. 5. The warden shall receive a salary at the rate of one thousand dollars a year, payable, quarterly, out of any money in the treasury not otherwise appropriated; but, if any convicts shall escape from said penitentiary during his continuance in office, a deduction of thirty dollars shall be made from his salary for every convict so escaping. <sup>Salary of warden. If convicts escape, warden to lose \$30 on each.</sup>

SEC. 6. The inspectors shall meet at the penitentiary on the first Monday of every month, at such hour as they shall appoint. They shall appoint one of their number to act as secretary, who shall enter, in a book to be provided for the purpose, all orders, regulations, and other transactions of the board. <sup>Monthly meetings of inspectors.</sup>

SEC. 7. One of the inspectors, to be designated by the board, shall visit the penitentiary once a week; and each inspector may visit the penitentiary as often as he shall think necessary. <sup>One inspector to visit penitentiary once a week.</sup>

SEC. 8. At every monthly meeting of the board of inspectors, the superintendent shall make a report of the receipts, expenses, and condition of the penitentiary during the preceding month. <sup>Report of receipts and expenditures.</sup>

SEC. 9. The inspectors shall establish and maintain a rigid system of police in the penitentiary; and, so far as practicable they shall prevent any conversation between the convicts.

SEC. 10. The inspectors are authorized to furnish, at the expense of the State, a copy of the Bible to each convict who is able and willing to read the same. <sup>Bible to each convict.</sup>

SEC. 11. The warden is authorized, under the direction of the inspectors, to procure, at the expense of the State, a book or books, in which he shall keep a descriptive list of all the convicts, stating their age, place of birth, place and time of conviction; crime of which they were convicted; duration of sentence; time of reception into the penitentiary; trade, business, or profession; former habits of life; whether married or unmarried; and such other particulars as the inspectors may direct. <sup>List of convicts.</sup>

SEC. 12. The inspectors are authorized, if, in their opinion, the public interest will be promoted thereby, to cause a separate account to be opened by the warden with each convict,



Extra work of convicts to be credited. in which such convict shall be credited with all the extra work which he may perform, and charged for all the time he may lose by refusal to labor, or misconduct of any kind.

Weekly entry SEC. 13. At the close of each week, the warden shall make an entry, in a book to be kept for that purpose, of the good or bad behaviour of each convict during the week; also, of the state of such convict's health, and such other particulars as, in the opinion of the inspectors, it may be useful for them to know.

Convicts may be allowed pay. SEC. 14. The inspectors are authorized, if they shall deem it expedient, to allow compensation to the convicts for work performed over and above the quantity usually required of workmen, such compensation to be applied, under the direction of the inspectors, in supplying such convicts with useful reading; to the support of their families, if they have any; or it may be placed to their credit, and paid to them when they are discharged from the penitentiary.

No inspector to be interested in sale or lease. SEC. 15. No inspector of the penitentiary shall become personally interested, either directly or indirectly, in any purchase, sale, lease, or contract of any kind, to be entered into by the board of inspectors, on behalf of the State, with any person or persons whomsoever, under a penalty of two hundred dollars.

Officers to take oath. SEC. 16. Before entering upon the duties of their respective offices, the inspectors and warden of the penitentiary shall severally take and subscribe an oath to support the constitution of the United States and of this State, and faithfully to perform the duties of their respective offices according to law and to the best of their ability. Such oaths may be administered by any judge, justice of the peace, or notary public, of this State, and shall be transmitted by the inspectors to the Secretary of State, and filed in his office.

Officers' bond. SEC. 17. Each of the inspectors of the penitentiary, before entering upon the duties of his office, shall execute a bond to the Governor, for the use of the people of this State, in the penal sum of five thousand dollars, with sufficient sureties, to be approved by the judge of the second judicial circuit, or the judge of the municipal court of the city of Alton, with the condition that such inspector shall faithfully perform the duties of his office according to law; which bond shall be transmitted, by the inspectors, to the Secretary of State, and filed in his office.

Bond of warden. SEC. 18. The warden of the penitentiary, before entering upon the duties of his office, shall execute a bond to the Governor, for the use of the people of this State, in the penal sum of ten thousand dollars, with sufficient sureties, approved by the judge of the second judicial circuit, or by the judge of the municipal court of the city of Alton, conditioned that the said warden shall faithfully and truly perform the duties of said office according to law.



SEC. 19. No spirituous liquors shall be given or furnished to any convict, unless prescribed by a physician. Spirituous liquors not allowed.

SEC. 20. The inspectors shall have power to increase the number of prison-guards when the increased number of convicts shall render it necessary: *Provided*, That not more than three guards shall be employed, unless the number of convicts shall amount to forty. Proviso.

SEC. 21. The inspectors of the penitentiary are hereby authorized, if, in their opinion, the interests of the State will be promoted thereby, to lease the penitentiary, and the labor of the convicts, for a term of years not exceeding three, to some qualified and responsible person, who shall thenceforth, during the continuance of the lease, be the warden of the penitentiary, and shall perform all the duties required of that officer by law; such lessee being required to furnish all necessary food, clothing, and bedding for the convicts; to hire all the necessary guards; and, in all respects, to manage the affairs of the penitentiary in such a manner as best to promote the reformation, improvement, and health of the convicts: *Provided*, That the penitentiary shall not be leased for a longer term than three years, nor upon any terms which will make the penitentiary a cost to the State. Penitentiary may be released. Proviso.

SEC. 22. No contract shall be entered into by the inspectors with any lessee which will restrain or affect the power of the Executive to pardon any convict confined in the penitentiary, or to grant the lessee any remuneration in consequence of the exercise of the pardoning power. No contract shall restrain the power of Governor to reprieve.

SEC. 23. No contract which may be entered into by the inspectors with any lessee shall be so construed as to interfere with the right of the State to remove the convicts to another building hereafter to be erected; but the right to make such removal is hereby reserved, and when such removal shall have been made, the lease herein provided for shall no longer attach to the present penitentiary buildings, but shall thenceforth attach and apply to such new penitentiary.

SEC. 24. Triplicate copies of such lease shall be executed by the parties; one copy of which shall be kept by the lessee, one retained by the inspectors, and the other copy shall be transmitted by them to the Secretary of State, and filed in his office. Triplicate copies of lease.

SEC. 25. The person who may become warden of the penitentiary, by virtue of a lease as herein provided, shall be required to take an oath of office, and give bond as in other cases, but shall receive no salary or other compensation, except such as shall be stipulated in such lease. Warden, by virtue of lease.

SEC. 26. No lease, entered into by the inspectors in pursuance of this act, shall be transferable by the lessee without the written assent of the inspectors.

SEC. 27. Before executing any lease of the penitentiary, and of the labor of the convicts, the inspectors shall appoint a day on which they will receive written proposals for such lease; and they shall cause four weeks' notice to be given of the same, by advertisement in the newspapers published at Alton, and in the newspaper published by the State printer. In deciding upon the proposals received, the inspectors shall take into consideration the qualifications and ability of the persons offering the same.

SEC. 28. No warden of the penitentiary, unless he is also the lessee thereof, shall become personally interested, either directly or indirectly, in any purchase, sale, or contract to be entered into by the board of inspectors, on behalf of the State, with any person or persons whomsoever, under a penalty of two hundred dollars.

SEC. 29. The Governor shall have power to remove from office any inspector of the penitentiary, for misconduct or long continued neglect of the duties of his office, and to appoint another person to fill the vacancy until the end of the next succeeding session of the General Assembly.

SEC. 30. Whenever the inspectors shall lease the penitentiary, they shall make an inventory of all the tools, and all the manufactured articles, and raw materials belonging to the penitentiary, and fix upon them such prices as in their judgment they will readily sell for; a copy of which inventory shall be signed by the inspectors, and filed in the office of the Auditor of Public Accounts.

SEC. 31. The lessee of the penitentiary may receive such property, at said valuation, on a credit of one year, by securing the payment of the same. If he declines to receive it on these terms, the inspectors shall have power to dispose of such property on the best terms they can procure.

SEC. 32. If the inspectors of the penitentiary shall fail to lease the penitentiary within a reasonable time, they shall be authorized to draw on the Auditor of Public Accounts for a sum not exceeding three thousand dollars, payable out of any money in the treasury not otherwise appropriated; which sum shall be applied exclusively to the purchase of materials for making barrels and other articles, the manufacture of which, at the penitentiary, may be considered by the inspectors advantageous to the State.

SEC. 33. All laws and parts of laws coming within the purview of this act are hereby repealed. This act shall be in force from and after its passage.

APPROVED, March 2, 1839.



AN ACT to amend an act, entitled "An act establishing and regulating the inspection of tobacco in this State," approved January 12, 1829. In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That if any person shall leave, in any public or private warehouse in this State, any property of a perishable nature, or which, if not taken away and sold within fifteen months from the time at which such property was so left, would not at the expiration of that time be worth the charges which should then be due upon such property; and if the charges upon such property shall not be paid, then and in that case it shall be lawful for the occupant or occupants of such warehouse to sell at auction, to the highest bidder, only so much of such property as will pay the charges due, and the expense of selling and advertising the same, upon giving not less than three weeks' public notice of the time and place of such sale, in two or more newspapers published in the town where such warehouse may be situated, or the vicinity thereof.

So much of property may be sold for charges.

SEC. 2. That no occupant or occupants of any warehouse shall sell any larger amounts of property left in such warehouse than will be sufficient to cover the costs and charges upon the same.

APPROVED, March 2, 1839.

AN ACT supplemental to an act, entitled "An act to provide for certain improvements in Pike county." In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of five hundred dollars, out of the sum directed by the act to which this is a supplement, be expended on the road leading from Augusta, in Pike county, via Pittsfield, New Hartford, and Atlas, to Burnett's ferry, on the Mississippi river, be, and the same is hereby, appropriated to the improvement of the road leading from Philips' ferry to Pittsfield; which sum is in addition to the sum heretofore appropriated.

\$500 appropriated to road from Augusta.

SEC. 2. That the sum of five hundred dollars, in addition to the sum heretofore appropriated for the improvement of the road from Perry to the Illinois river, is hereby appropriated to the further improvement of said road; which sum shall be taken from the sum provided by the act to which this is a supplement, to be expended on the road from Augusta, via Pittsfield, New Hartford, and Atlas, to Burnett's ferry, on the Mississippi river, any thing in the act to which this is a supplement to the contrary notwithstanding. This act shall take effect and be in force from after its passage.

APPROVED, March 2, 1839.



In force, Mar.  
2, 1839.

AN ACT to vacate certain alleys in the town of Tremont.

Trustees may  
vacate street  
or alley.

Notice.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the president and trustees of the town of Tremont are hereby authorized to vacate, and permit to be enclosed, any street or alley in said town which may be deemed a nuisance, or be considered useless, upon the condition and in the manner following: They shall make an order declaring that, unless objection be made to the vacating and closing any street or alley as aforesaid, at a time to be fixed by the board, that the same shall be vacated and closed; of the making of which order, notice shall be given, by posting copies thereof at four public places in the town, or publishing the same in a newspaper printed in said town, four weeks before the day fixed in the same, for hearing objections; and at the day fixed in the order published as aforesaid, the said president and trustees shall meet, and, if no objection is made, they shall make an order declaring the said street or alley to be from thenceforth vacated and authorize the occupation thereof by persons owning lots on either side thereof.

SEC. 2. In all cases where lands have been, or may be, laid off into town-lots, streets, and alleys, and the plat thereof shall have been recorded, before any sale of lots therein, the proprietor or owner of the land may, by the execution of an instrument in writing, and causing the same to be recorded by the recorder of the county in which the plat was recorded, declare the said plat to be vacated; which shall operate to destroy the force and operation of the recording the plat of said town, and divest all public rights in the streets or alleys of the same; and plats of towns in which lots have been sold may be vacated, in manner aforesaid, by the execution of a writing aforesaid by all persons interested therein; but this section shall not apply to towns at which county seats have been or may be located, and plats of additions to towns may be vacated according to the provisions of this section; but nothing in this section shall authorize the obstruction of any public road established according to law.

Provisions  
apply to Bloom-  
ington.

SEC. 3. The provisions of the first section of this act shall apply to the town of Bloomington.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839. AN ACT to authorize George W. Brinckerhoof and others to establish a ferry across Rock river.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in General Assembly,* That George W. Brinckerhoof and his associates, and their heirs and assigns, be, and they are hereby, authorized to establish and maintain a ferry across Rock river, at Rockford, in the county of Winnebago, for twenty years.

for and during the term of twenty years from and after the passage of this act.

SEC. 2. When said ferry is established, it shall and may be lawful for the said George W. Brinckerhoof and his associates, their heirs and assigns, to demand and receive, from all persons crossing said ferry, for and during the time aforesaid, the following rates of ferriage, to-wit: For each four wheeled wagon [drawn] by two horses or oxen, seventy-five cents, and for each additional animal by which the same is drawn, twelve and a half cents; for the same, when unladen, sixty-two and a half cents, and the like sum of twelve and a half cents for each additional animal; for each pleasure carriage drawn by two horses, and the driver, seventy-five cents; and for each additional horse, twelve and a half cents; for each person or single horse, twenty-five cents; for each single or led horse, six and a fourth cents; for each head of neat cattle, six and a fourth cents; for each head of sheep, goats, or hogs, two cents: *Provided, always,* That no person attending the county commissioners' or circuit courts, as a member or judge thereof, or as a party to any matter pending in, or any witness or juror attending on, said courts, shall be taxed ferriage. Rates of toll.

SEC. 3. The ferry hereby granted shall be in all respects governed by the act, entitled "An act to provide for the establishing of ferries, toll-bridges, and turnpike roads, approved, February 12, 1827, except as herein provided. Ferry, how governed.

APPROVED, March 2, 1839.

AN ACT for the relief of Joseph L. Reynolds.

In force, Mar.  
2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joseph L. Reynolds be, and he is hereby, allowed eighty acres of land, in Gallatin county, out of such saline lands as have been heretofore selected and offered for sale at fifty cents per acre, which has not been entered, to remunerate him for his services and the loss of a horse during the Sac war of eighteen hundred and thirty-two; and the commissioner of said saline lands is hereby authorized and required to issue said Reynolds a certificate for the same. Reynolds, 80 acres of land in Gallatin county, for services in Sac war, and for horse.

APPROVED, March 2, 1839.

AN ACT to improve the navigation of Spoon river.

In force, Mar.  
2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Board of Commissioners of Public Works be, and they are hereby, authorized and required to cause to be made, as soon as conveniently



Board Public Works to make survey of Spoon river.

To estimate cost of improving.

\$5,000 for improvement of river.

Right of way.

Water power.

Com'rs of 4th circuit to survey part of Big Vermilion.

may be done, an examination and survey of Spoon river, from its junction with the Illinois river to as high a point on the said river as may be thought to be susceptible of being made profitably navigable for steam, keel, and flat-boats, with a view of ascertaining the nature and extent of the several obstructions to the navigation of the said river, and of estimating the probable cost of removing or overcoming the said obstructions; and that a report and estimate be made, and filed in the office of the Commissioners of Public Works, as is required by the internal improvement law.

SEC. 2. That the sum of five thousand dollars be, and the same is hereby, appropriated, out of the internal improvement fund, for the improvement of the navigation of said river, to be applied and expended, under the direction of the Board of Commissioners of Public Works in such manner as they may deem most judicious and proper to carry into effect the intentions of this act; said improvements to be commenced at the obstructions nearest the mouth of said river, and proceed upwards as far as the sum so appropriated will extend.

SEC. 3. The right of way, and land for the erection of dams, locks, or other necessary appendages to said improvement, shall be obtained in the manner and by the authority prescribed by law, for the time being; and the said Board shall have due regard to the greatest and most useful amount of water-power to be created by the works they may erect for the improvement of the said river, for the use of the State.

SEC. 4. That the Commissioner of Public Works for the fourth judicial circuit shall, as soon as practicable, cause to be surveyed and examined all that part of the Big Vermilion river lying below Danville and within this State; and report to the next General Assembly the practicability of improving the navigation of the same so as to admit of steamboat navigation thereof; and the cost of such improvement, after paying all damages to private property; and, further, what revenue the State would receive from said work in tolls and water-power.

APPROVED, March 2, 1839.

IN force, Mar. 2, 1839. AN ACT for the relief of John McMennaway, late sheriff of Macon county.

County commissioners to stay execution on property of late sheriff.

To settle his accounts.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of Macon county be, and they are hereby, required to stay execution upon the property of John McMennaway, late sheriff of Macon county, for the term of nine months from the fourth day of March next.

SEC. 2. That the said commissioners be, and they are hereby, authorized to settle the accounts of the said John



McMennaway, on the principles of equity and justice, and shall allow him his commission on all taxes heretofore collected and paid into the treasury by him; and also allow him for all losses sustained by and in consequence of persons not being able to pay their taxes: *Provided*, That no allowance shall be made where it is clearly shown that such loss was occasioned by the negligence or inattention of said McMennaway.

APPROVED. March 2, 1839.

AN ACT to provide for the location of the county seat of Cass county. In force, Mar. 2, 1839.

WHEREAS it was provided, by the act for the formation of the county of Cass, that, in case the county seat of said county should be located at Beardstown, the corporation or inhabitants should, within one year after the location, pay into the county treasury the sum of ten thousand dollars, to be applied to the erection of public buildings; and whereas, by the act passed 21st July, 1837, in relation to said county, further time was allowed said corporation to make said payment, and the said corporation having failed to pay the ten thousand dollars, and not having complied with, or agreed to comply with, the provisions of the last recited act, the county commissioners of said county, under the provisions of the first recited act, located the county seat of said county at Virginia, and contracted for the erection of a court house and jail in said county, and doubts being entertained as to the true construction of the act last recited in relation to the rights of said corporation and the duties of the county commissioners: Therefore,

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the county seat of Cass county shall be and remain at Virginia, and the courts of said county shall hereafter be held at that place; and the several county officers who are required to keep their offices at the county seat are required to remove their respective offices, and all bonds, documents, books, and papers pertaining to the same, to Virginia, on or before the first day [of] May next, and thereafter hold and keep their respective offices at that place; and in case any one or more of said officers shall fail or refuse to comply with the provisions of this act, such officer shall forfeit his office.

County seat to be at Virginia, and courts held there.

Duty of county officers.

SEC. 2. All process issued and notices given by any of the courts or officers of said county, [which] are required by law to be made returnable at the county seat, shall be deemed and held to be returnable at Virginia; and all recognizances and bonds entered into in the said county with conditions to be performed at Beardstown, as the place of the county seat, shall be held and deemed as requiring performance at the county seat as fixed by this act.

Questions of  
forfeiture, how  
settled.

SEC. 3. That, in order to settle any and all questions which may arise as to the forfeiture of office by any officer of the said county of Cass under the provisions of this act, any officer failing to comply with the provisions hereof shall be liable to indictment for such failure, and, upon conviction, the court shall enter judgment of a motion from office, and the vacancy occasioned thereby shall be filled as though it had occurred by resignation.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839. An act for the improvement of the Wabash river, and for other purposes.

Duty of Com-  
missioners of  
Public Works.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Commissioners of the Board of Public Works shall cause the improvement of the navigation of the Little Wabash river to be prosecuted as high up as the Cumbeland road at Ewington, in Effingham county: *Provided* the Board of Public Works, shall deem it susceptible of advantageous improvement, and as much higher up as, in the opinion of the Board, the good of the State may require; the said improvement to be commenced as early as practicable.

Proviso.

Com'rs to lo-  
cate road.

SEC. 2. *Be it further enacted,* That Hugh McDaniel, Robert Toler, and William Farmer, of Clay county, be, and they are hereby, appointed commissioners to view, mark, and locate a State road from Ezra Baker's mills, on the Little Wabash river, in Edwards county, on the nearest and best route, to Maysville, in Clay county.

Time & place  
of meeting.

SEC. 3. Said commissioners, or a majority of them, shall meet at Maysville, on the first Monday in June next, and, after being duly sworn by some justice of the peace of said county faithfully to discharge the duties herein required, shall proceed to perform the same; and thereupon make report of their proceedings to the counties of Clay and Edwards, and Wayne, at the first meeting of their several commissioners' courts thereafter; and the commissioners' courts of said counties shall cause the said road to be forthwith opened and kept in repair as the State roads are.

Road to be  
opened.

Pay of Com-  
missioners.

SEC. 4. Said commissioners shall receive a reasonable compensation for their services, which shall be paid by each of the beforementioned counties, in proportion to the distance of the road and the time employed in each county.

Bridges to be  
built in Clay  
county.

SEC. 5. The county commissioners of Clay county shall be authorized and required to build the following bridges in Clay county, to wit: A bridge across the Little Wabash, where the road leading from Maysville to Chicago crosses the same; also a bridge across Big Muddy, on the road leading from Mount Carmel to Louisville, in Clay county; also a bridge across Fox river, at or near John Matthew's mills,



in Clay county; and a bridge across Big Muddy, on the State road leading from Elijah Nelson's, by the way of Louisville, to John Orender's, in Clay county: *Provided, in all cases,* That said bridges shall be so constructed as not in any way to interfere with the free navigation of either of the afore-said streams or water-courses.

SEC. 6. Said commissioners shall let out the building of said bridges to the lowest bidder, by giving sufficient previous notice at what time and place such letting shall take place; and take from the contractor a good and sufficient bond for the faithful construction of said bridges.

SEC. 7. Said commissioners shall pay the expenses of constructing said bridges out of any moneys in the treasury of said county not otherwise appropriated.

APPROVED, March 2, 1839.

AN ACT concerning public roads in Schuyler county.

In force, Mar.  
2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of Schuyler county are hereby authorized to change the location of any State road in said county: *Provided,* That no change shall be [made] in any State road, at the point where such State road enters other counties, without the consent of the county commissioners' court of the counties into which such roads may enter.

APPROVED, March 2, 1839.

AN ACT to change the time of holding courts in the third judicial circuit in this State.

In force, July  
1, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the terms of the courts in the third judicial circuit shall be held, at the several places of holding courts in the several counties therein, at the times following, namely; In the county of Pope, on the second Mondays in March and fourth Mondays in August; in the county of Gallatin, on the third and fourth Mondays in March, and the first and second Mondays in September; in the county of Hamilton, on the Mondays following; in the county of Jefferson, on the Mondays following; in the county of Marion, on the Thursdays thereafter; in the county of Franklin, on the Mondays after the courts in Marion; in the county of Perry, on the Mondays following; in the county of Jackson, on the Mondays following; in the county of Union, on the Mondays following; in the county of Alexander, on the Mondays following; and in the county of Johnson on the Mondays following.



**SEC. 2.** An act supplemental to the several acts regulating the circuit courts in this State, in force, January 16, 1836, is hereby repealed, except so much thereof as relates to circuits whose terms of holding courts are unchanged at the present session of the General Assembly. This act to be in force from first of July, 1839.

APPROVED, March 2, 1839.

In force, Mar 2, 1839. **AN ACT** to amend an act, entitled "An act to locate a State road from Indiana line, northwest, in a direction to Mineral Point."

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Charles Reed, of the county of Will, and Alvah Trask and Michael Shoup, of the county of Winnebago, be, and they are hereby, appointed commissioners to finish the location of the State road from the west line of Will county to the county seat of Winnebago county.

**SEC. 2.** Said commissioners, or a majority of them, shall meet at the town of Aurora, Kane county, on the first day of May, or some day thereafter, and, after having been duly sworn by some justice of the peace faithfully to perform their duties, shall commence at the west line of Will county, where the said State road strikes said line, running thence to the several points specified in the act to which this is an amendment, approved March 1, 1837.

**SEC. 3.** Said commissioners shall, as soon as practicable, make a report in conformity to the act to which this is an amendment.

**SEC. 4.** All acts and parts of acts coming within the purview of this act are hereby repealed. This act to be in force from and after its passage.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839. **AN ACT** to authorize the reprinting of certain laws of this State.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Secretary of State be, and he is hereby, authorized to cause so much of the laws of this State as relates to the duties of justices of the peace to be reprinted, and distributed, with the laws of the present session of the General Assembly, to such counties in this State as have not been supplied with the Revised Laws; and that the acts of incorporation, passed at the present session, be printed separately, and not bound; and that only five hundred copies of said acts be printed for distribution among the several counties in this State.

APPROVED, March 2, 1839.

AN ACT to amend the several laws in relation to appeal bonds and the trial of appeals. In force, June 1, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the condition of appeal bonds, executed upon the taking appeals from judgments of justices of the peace to the circuit court, shall be, that the appellant will pay and satisfy whatever judgment may be rendered by the circuit court upon the dismissal or trial of the appeal.

SEC. 2. One or more plaintiffs, or defendants, in causes decided by justices of the peace, shall be allowed the right of appeal to the circuit court, without the consent of the others; and when one of several appeals, the supercedas shall issue directing a suspension of all further proceedings upon the judgment, as though all had joined in the appeal. Right of appeal.

SEC. 3. When an appeal bond shall be executed by one of several parties to a judgment of a justice of the peace, the clerk of the circuit court shall issue a summons against the other parties, notifying them of the appeal in the said circuit court, and requiring them to appear and abide by and perform the judgment of the court in the premises; which summons shall be served as other process issued in appeal cases; and in case such summons shall be returned that parties are not found, the cause shall, at the first term of the court, be continued, but, at the second term, shall be tried; and the court shall have power to give the same judgment in appeals taken under the provisions of this act as though all the parties to the judgment had joined in the appeal. Appeal bond. Judgment.

SEC. 4. Upon the trial of all appeal cases before the circuit court, no exception shall be taken to the form or service of the summons issued by the justice of the peace, or to any proceedings before him; but the court shall try the cause upon its merits, and, in all cases of appeals from a justice of the peace, shall give judgment according to the rights of the parties, unless it shall appear, from the evidence, that the justice had no jurisdiction of the subject matter of the suit; in which case the suit shall be dismissed at the cost of the plaintiff. Suits, when dismissed.

This act shall take effect on the first day of June next.

APPROVED, March 2, 1839.

AN ACT to authorize Hardin Porter and Eli Gholson to build a mill-dam, and for other purposes. In force, Mar. 4, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Hardin Porter and Eli Gholson be, and they are hereby, authorized to construct a mill-dam across the North fork of the Saline, on section fifteen, in township seven south, range seven, east of the third principal meridian: *Provided,* That the said Porter and Mill-dam. Proviso.

Gholson shall own the lands on both sides of the stream where said dam shall be constructed: *And provided, further,* That should any individual sustain damages by the overflowing of the banks of said stream, occasioned by the construction of said dam, the said Porter and Gholson shall be liable for the same.

Further provi-  
so.  
Damages.  
  
Com'rs of  
Hamilton co.  
may borrow  
money.

Amount.

SEC. 2. That the county commissioners' court of Hamilton county is hereby authorized to borrow, of her part of the two hundred thousand dollars appropriated, by the "Act to establish and maintain a general system of internal improvement," to the counties through which no railroad is constructed by the State, the sum of two thousand dollars, for the purpose of building a court house at the county seat of said county, to be refunded out of the county treasury when needed; and and when so refunded, in part or in whole, to be applied to the purposes for which it was intended by the act by which it was appropriated.

APPROVED, March 4, 1839.



## RESOLUTIONS.

---

JOINT RESOLUTIONS in relation to the grant of lands by Congress in aid of the internal improvement system of Illinois.

WHEREAS the General Assembly of the State of Indiana, at their present session, adopted a joint resolution requesting their Senators and Representatives in Congress to use their influence to procure the passage of a law of Congress, granting to the said State of Indiana a portion of the vacant lands lying on the route of the Mount Carmel and New Albany railroad, in that State, in aid of the construction of the said railroad; *and whereas* this joint resolution of the Legislature of Indiana has been laid before the Senate of the United States, and ordered to be printed, and the proposition contained in it has met with the favorable consideration of that body; *and whereas* the Committee on Public Lands, in the Senate, have reported a bill for an act to grant to the said State the alternate sections of vacant land lying within six miles on each side of the route of said road, amounting to about two hundred and twenty thousand acres; *and whereas* this manifestation, on the part of Congress, favorably to entertain this request on the part of Indiana, is calculated to encourage the Legislature of Illinois to make a similar reasonable request of Congress in aid of the great system of internal improvements in this State, in the prosecution of which large quantities of the refuse lands of the General Government will be increased in value and brought into early market: Therefore,

*Resolved by the General Assembly of the State of Illinois,* Instructions. That our Senators and Representatives in Congress be requested to use the influence of their stations to procure the passage of a law of Congress granting to the State of Illinois a portion of the vacant lands along the routes of the several railroads of this State, in aid of their construction.

*Resolved,* That the Governor be, and he is hereby, requested to transmit a copy of this preamble and joint resolution to each of our Senators and Representatives in Congress.

## JOINT RESOLUTION in relation to the easterly division of the Peoria and Warsaw railroad.

Peoria rail'rd  
to run via  
Farmington.

*Resolved by the General Assembly,* That the Board of Commissioners of Public Works be, and they are hereby, authorized and empowered to locate and construct the Peoria and Warsaw railroad via Farmington, in Fulton county, should the said Board deem it expedient for the interest of the State, and for the convenience and accommodation of the community, so to do.

---

## JOINT RESOLUTION in relation to portraits of Washington and La Fayette.

*Resolved by the House of Representatives,* (the Senate concurring herein,) That the Governor be, and he is hereby, authorized and requested to procure full length painted portraits (to be painted by an American artist) of the following named benefactors of mankind, to be suitably framed, and placed in the hall of the House of Representatives, when completed, viz: George Washington and Gen. La Fayette

---

## PREAMBLE AND RESOLUTIONS relative to public depositees.

Preamble.

**WHEREAS**, by the act of Congress regulating the deposite of the public money in State Banks, approved June 23, 1836, it was provided that at least one bank should be selected in each State or Territory, if any such existed willing to be employed as a depository of the public money; *and whereas* there are two banks in Illinois, both of them solvent and safe, neither of which is now employed as the depository of the public money collected in this State; *and whereas* the money so collected in Illinois is deposited in the State Bank of Missouri, to the manifest injury of our banks and the people of the State; *and whereas* the Secretary of the Treasury, under the provisions of the act of 1789, has selected many banks which would have been excluded from the benefits of the deposite act of 1836, as depositories of the public money, which said banks, in common with our own, could not have been selected as depositories of the public money under the provisions of the act of 1836:

Instructions.

*Be it resolved by the General Assembly of the State of Illinois,* That our Senators be instructed, and our Representatives requested, to use every effort necessary to obtain the deposite of the money of the General Government, collected in this State, in the banks of this State, so long as the State Bank deposite system shall be continued: *Provided,* That we do not intend to express, by this resolution, any opinion of

this Legislature, either in relation to the Sub-treasury system, or the chartering of a National Bank, or of the State Bank deposit system.

*Resolved*, That if any change, by law, be made in the plan of depositing the revenue in banks, that our Senators be instructed, and our Representatives requested, to provide by law for the deposit of all the revenue, collected in this State, in the banks of this State, so long as banks may be used as the fiscal agents of the Government.

*Resolved*, That we deprecate any policy which gives to banks similarly situated with our own the deposit of the public revenue, whilst the same benefit resulting from the deposit system is not extended to our own banks.

*Resolved*, That the Governor be requested to transmit a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

RESOLUTION in relation to granting pre-emption rights.

*Resolved by the House of Representatives*, (the Senate concurring herein,) <sup>Instructions.</sup> That our Senators in Congress be, and they are hereby, instructed, and our Representatives in Congress be requested, to use their best exertions to procure, at the present session of Congress, the passage of a law by that body establishing a permanent system of pre-emption rights, by which the actual settler upon the lands of the Government of the United States shall have the exclusive privilege of purchasing, at Congress price, any quarter section of land upon which he may have made an improvement: also, that they use their exertions to procure the passage of a law providing that the public lands hereafter be sold in limited quantity to actual settlers only, and that a reasonable time be allowed such settlers to pay for the same.

RESOLUTION asking of Congress a bounty to soldiers of late war.

*Resolved by the House of Representatives*, (the Senate concurring herein,) <sup>Instructions.</sup> that our Senators in Congress be instructed, and our Representatives requested, to use their exertions to secure the passage of a law granting, to the volunteers and militia in the late war with Great Britain and the Indian tribes, a bounty in land.

*Resolved*, That we most cordially believe it is due from the Government to the soldier, to give him a home on the land which his valor has maintained.



## PREAMBLE AND RESOLUTIONS in relation to the establishment of a Surveyor General's office in the State of Illinois.

Preamble.

**WHEREAS** the State of Illinois is essentially an agricultural State, and the greater proportion of her inhabitants are deeply interested in every thing relating to the security and permanency of our land titles; *and whereas* the surveys of the lands in this State have been effected by an officer of the General Government, whose office is in another State, and over whom our courts of justice have no control; *and whereas* there is but a single complete copy of the original field-notes and plats of these surveys now in existence, by which the metes and bounds of our lands are to be ascertained, and their location identified; *and whereas* these field-notes and plats are constantly liable to be lost or destroyed by fire, abrasion from constant use, their corrosion by time, bad ink, and the various accidents to which pamphlets and loose papers are constantly liable—many of which are now almost illegible; *and whereas* it frequently occurs, in the legal investigation of the titles to our lands, in our courts of justice, that certified copies of these field-notes are required as evidence; *and whereas* these field-notes and plats are beyond the control of the civil authorities of this State, and have to be procured by the parties litigant, at great expense of time and money, before they can with safety go to trial; *and whereas* we have heretofore indulged the well-founded hope that a Surveyor General's office would, before this time, have been established in this State by the General Government for completing the survey of our lands; *and whereas* these just expectations, so long and fondly indulged, are likely to be blasted, as appears by the recent recommendation of the Commissioner of the General Land Office at Washington to the chairman of the Committee on Public Lands, dated June 20, 1838, and also to the Hon. R. M. Young, dated January 3, 1839, in both of which he urges the necessity of attaching the State of Illinois to the Iowa and Wisconsin surveying district, the office of which is established at Du Buque, in the Territory of Iowa, for the more speedy survey of the lands in the State of Illinois; *and whereas*, by the removal from St. Louis, in the State of Missouri, of the original field-notes and plats of our lands to a Surveyor General's office at Du Buque, in the Territory of Iowa, would make these necessary papers more inaccessible to our courts of justice—a measure directly opposed to the best interests of the State, and subversive of her best rights and reasonable expectations; *and whereas* it is of the utmost importance to the interests of this State to have the original field-notes and plats of survey on which the titles of our lands are founded and their location ascertained, recorded and kept within this State, and always accessible to our courts of justice, placed as far as possible beyond the reach of accidents or loss: Therefore,

*Resolved, unanimously, by the Senate and House of Representatives,* That our Senators in Congress be instructed, and our Representatives requested, to use their utmost exertions to procure the passage of a law establishing a Surveyor General's office in this State. Instructions.

*Resolved,* That the Governor be requested to forward copies of the foregoing preamble and resolution to each of our Senators and Representatives in Congress, and to the Commissioner of the General Land Office.

JOINT RESOLUTIONS in relation to the proposed connection of certain canals in Indiana and Illinois.

WHEREAS the States on the Atlantic, in common with those Preamble.  
of the great interior of the West, feel a deep and common interest in the construction of lines of inter-communication from the seaboard to the Mississippi river; and whereas the State of Indiana has embarked in carrying out these national enterprises, with a magnanimity of design and efficiency of execution that reflects infinite credit on her State character:

And whereas the State of Illinois views, with peculiar satisfaction, the liberality with which the State of Indiana has Further preamble.  
concurred in all the propositions made by Illinois to cement the bonds of union which should unite two States whose interests are so closely allied, by authorizing connections with her lines of improvement: Therefore,

*Resolved by the General Assembly of the State of Illinois,* That the passage of the act of the General Assembly of Indiana, at their late session (of which official information is received) authorizing a connection of the Erie and Michigan canal of Indiana with the Illinois and Michigan canal of Illinois, thereby forming a continuous line of canal navigation from Lake Erie to the navigable waters of the Mississippi river, is recognized by this General Assembly as another magnanimous manifestation, on the part of Indiana, of her settled disposition to identify the best interests of the two States, and to promote their common and the national weal; and is most cheerfully reciprocated on the part of Illinois. Resolution concerning act of Indiana.

*Resolved,* That the Governor be requested to transmit a copy of this preamble and resolutions to the Governor of Indiana, with a request to lay the same before the Legislature of that State.

PREAMBLE AND RESOLUTIONS for the establishment of a mail route from Carlyle to the mouth of the Ohio river.

Preamble. WHEREAS it is ascertained, to the satisfaction of this General Assembly, that, at certain seasons of the year, a great number of the largest boats that navigate the Ohio and Mississippi rivers are compelled to remain at the mouth of the Ohio on account of the ice in the Mississippi and the low water in the Ohio; and whereas it is also true that the country in the southern part of the State is fast populating and improving, and is as deserving of the favorable consideration of the General Government, in relation to mail facilities, as other sections of the State where stages are running: Therefore,

Petition for  
mail route  
from Carlyle  
to Cairo.

*Resolved by the People of the State of Illinois, represented in the General Assembly,* That the said General Assembly do respectfully petition the Government of the United States to establish a mail route in the said State of Illinois, commencing at Carlyle, passing Nashville, Pinckneyville, Brownsville, Jonesboro and Unity, to the mouth of the Ohio river; and to have on the said route stages to run as frequent as the public good may require, and to be drawn by two or four horses, as may be necessary; and that the abovenamed improvement of mail facilities is no more than other sections of the State enjoy.

*Resolved,* That the Governor of the State transmit copies of this preamble and resolutions to each of our members in Congress; and that they be requested to use their best exertions to have the same carried into effect.

RESOLUTION in relation to unsurveyed lands in Illinois.

Instructions  
concerning  
surveys.

*Resolved by the House of Representatives,* (the Senate concurring herein,) That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure an appropriation sufficient to put all the unsurveyed lands in the State of Illinois under *immediate* contract; and that they urge on the Commissioner of the General Land Office the necessity of prompt attention to this subject, in order that the numerous settlers thereon may be enabled to purchase the land on which they reside.

*Resolved,* That the Governor of the State be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress, and to the Commissioner of the General Land Office.



RESOLUTIONS in relation to the survey of the Northern and Western lakes.

*Resolved by the Senate and House of Representatives, That* our Senators and Representatives in Congress be requested to procure the passage of a law or resolution by Congress at its present session, directing a survey of the navigable waters of the northern and western lakes, together with the navigable rivers flowing into, connecting and flowing out of, the same, as soon as may be compatible with the convenience of the War Department, and that a chart be made of the same for the benefit of the commerce of those lakes. Instructions concerning survey of lakes.

*Resolved, That* the Governor be requested to transmit copies of these resolutions to each of the Senators and Representatives in Congress from the State of Illinois.

PREAMBLE AND RESOLUTIONS relative to surveying and sub-dividing township five north, range fourteen west.

WHEREAS the General Government, in surveying and sub-dividing the lands on the Embarrass river, omitted to subdivide township five north, range fourteen west, or any part thereof, considering and returning the whole of said township as inundated and drowned land, in which situation it still remains, a part of which may be cultivated, and is now partially settled; and whereas it is highly important to the settlers on said township, that the same should be surveyed and disposed of, and they secured in their homes, and the improvement of said river is of great interest to the citizens who have purchased the lands on and near the same, to enable them to transport their surplus produce, &c.: Therefore,

*Resolved by the General Assembly of the State of Illinois, That* our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to have a law passed by Congress donating said township of land to the State, authorizing the State to survey and sell the same, the avails thereof to be applied exclusively to the improvement of said Embarrass river. Instructions concerning the survey of T 7 N. R 14 west.

*Resolved, That* the Governor be requested to transmit a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

JOINT RESOLUTION requesting the passage of a law by the Legislature of Indiana, in relation to the extension of certain railroads of Illinois into the territory of Indiana.

Legislature of  
Indiana re-  
quested to  
pass a law  
naming the  
points for the  
meeting of  
Northern  
Cross railroad

*Resolved by the General Assembly of the State of Illinois, That* the Legislature of the State of Indiana be requested to pass a law, at its present session, declaring at what points the State of Indiana will meet the State of Illinois, at the line dividing the two States, in the construction of the easterly ends of the Northern Cross railroad and the Alton and Shelbyville railroad in Illinois, to the end that the State of Illinois may meet the State of Indiana in the construction of the said works, and their continuation of the said works to the intersection of the Erie and Wabash canal in Indiana; and, also, that the Legislature of Indiana provide in said act that, if the State of Illinois deem it proper to construct such connection from the State line to the said canal, herself, and on her own account, the right of way for such construction be indefeasibly granted to her: *Provided* said State of Illinois elect to do so during the present session of her Legislature.

*Resolved*, That the Governor be requested to transmit the above resolution to the Governor of the State of Indiana, with a request to lay the same before the Legislature of that State, now in session.

---

JOINT RESOLUTIONS relative to the purchase of public lands.

State pro-  
poses to pur-  
chase from U.  
States all un-  
sold land in  
the State.

*Resolved by the General Assembly of the State of Illinois,* That the said State propose to purchase, of the Government of the United States, all the lands not sold or otherwise disposed of within the limits of said State, at the rate of twenty-five cents per acre, to be paid (unless otherwise agreed upon) at such time as the said Government of the United States shall deliver over, to the authorities of the said State of Illinois, all the plats, field-notes, &c. &c. pertaining to the survey of said lands.

*Resolved*, That the faith of the said State of Illinois is hereby irrevocably pledged to carry into effect the foregoing proposals, if the Government of the United States shall accept the same within two years from the passage hereof.

*Resolved*, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure the passage of a law or resolution of Congress accepting the foregoing proposal.

*Resolved*, That the Governor be requested to transmit a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

# REPORT

OF THE

AUDITOR OF THE STATE OF ILLINOIS

TO

THE GENERAL ASSEMBLY,

DECEMBER, 1838.

---

AUDITOR'S OFFICE, ILLINOIS,

*Vandalia, December 12, 1838.*

SIR: In pursuance of the ninth section of "An act to consolidate the acts relative to the Auditor and Treasurer, and election of Attorney General," I have the honor to submit to the General Assembly the following report.

I am, very respectfully, sir,

Your obedient servant,

LEVI DAVIS,

*Auditor of Public Accounts.*

To the Hon. the SPEAKER of the Senate.



Dr.	JOHN D. WHITESIDE, State Treasurer, in account with the State Bank of Illinois.	Cr.
For balance on the 30th day of June, 1837	\$92 15	
For amount received from non-residents from the 30th day of June, 1837, to 1st day of December, 1838	12,077 49	By amount deposited in the State Bank of Illinois, from the 30th day of June, 1837, to 1st December, 1838 \$126,715 05
For amount of redemption money received during same period	532 79	
For amount received from revenue clerks	33,170 88	By amount of interest allowed on State paper paid into the treasury 89 64
For amount received from sheriffs	4,422 04	By amount of State paper burned 268 00
For amount received from the commissioners of the school fund	26,200 00	
For amount received from the citizens of Springfield on their bond	33,333 34	
For amount received for debts due the old State Bank and branches	169 00	
For amount received from the State Bank of Illinois, being half per cent. on her capital stock paid in	7,075 00	
For amount received from the State Bank of Illinois, being the semi-annual dividends declared in the months of December, 1837, and June, 1838, on \$100,000 of stock owned by the State	10,000 00	
	<u>\$127,072 69</u>	<u>\$127,072 69</u>

Dr. *The State Bank of Illinois in account with the State of Illinois.* Cr.

For amount due on settlement, the 30th day of June, 1837	\$29,669 51	By amount of warrants paid from 30th day of June, 1837, to 1st day of December, 1838	\$534,700 21
For amount deposited to the credit of the State, from the 30th day of June, 1837, to 1st day of December, 1838	226,021 45		
For amount to balance	19,009 25		
	<u>\$534,700 21</u>		<u>\$534,700 21</u>
		Dec. 1. By balance due the Bank this day 1838.	\$19,009 25

## REDEMPTION ACCOUNT.

Amount of redemption money in the treasury on the 30th day of June, 1837	\$1,647 92	Amount of redemption money paid out from 30th day of June, 1837, to 1st day of December, 1838	\$151, 36
Amount of redemption money received from 30th day of June, 1837, to 1st day of December, 1838	532 79	Amount to balance	2,029 35
	<u>\$2,180 71</u>		<u>\$2,180 72</u>
Balance of redemption money in the treasury on the 1st day of December, 1838	\$2,029 35		

*Amount of warrants drawn upon the State Bank, from the 30th day of June, 1837, to the 1st day of December, 1838, for the current expenses of the State, and charged to the following accounts, viz:*

To what charged.	Amount.
Special appropriations - - - - -	\$7,195 85
Interest on school, college, and seminary fund - - - - -	37,630, 58
Circuit attorneys - - - - -	2,402 55
General Assembly - - - - -	13,945 40
Money refunded - - - - -	177 66
The Judiciary - - - - -	15,924 97
The Secretary of State - - - - -	1,575 00
The Militia - - - - -	1,330 00
Incidental expenses - - - - -	3,158 86
The Attorney General - - - - -	423 84
Penitentiary Inspectors - - - - -	140 00
Auditor of Public Accounts - - - - -	3,100 00
The Treasurer - - - - -	2,128 74
Warden of the Penitentiary - - - - -	307 39
Appropriations to counties - - - - -	2,250 00
The Governor - - - - -	1,447 26
Public printing - - - - -	10,594 43
Counties in the Military Tract - - - - -	3,200 00
Taxes refunded on lands redeemed - - - - -	142 37
Appropriations for State house at Springfield - - - - -	38,000 00
Distribution of laws and journals - - - - -	2,975 00
Incidental expenses of the Penitentiary - - - - -	3,000 00
Superintendent of the Penitentiary - - - - -	800 00
Appropriation for killing wolves - - - - -	390 50
The contingent fund - - - - -	6,565 70
Fund Commissioners - - - - -	376,919 14
Interest on State paper stock redeemed - - - - -	5 40
Redemption money - - - - -	151 36
State paper stock redeemed - - - - -	40 00
Canal fund - - - - -	56 00
	<hr/> 526,978 00
Amount due the bank on the 30th day of November, 1838	\$19,009 25
To this sum, add the amount of outstanding warrants against the bank on the 30th day of Nov. 1838 - - - - -	1,224 52
Balance against the treasury on the 30th November, 1838	<hr/> \$20,233 77



*Present resources of the State.*

Amount due the State from the citizens of Springfield at this date	-	-	-	-	-	\$16,666 66
Amount due from Revenue Collectors at this date	-	-	-	-	-	8,459 41
Amount due from Clerks on the first Monday of April, 1839,	-	-	-	-	-	34,849 63
Amount due from Sheriffs on the first Monday of March, 1839,	-	-	-	-	-	6,687 74
Amount due from the Bank of Illinois on the 1st Jan'y, 1839,	-	-	-	-	-	6,981 01
(say)	-	-	-	-	-	-
Amount due from the State Bank of Illinois for half per cent. on amount of capital stock and semi-annual dividend on \$100,000 of stock due on 1st January, 1839, (say)	-	-	-	-	-	12,000 00
Total amount	-	-	-	-	-	<u>\$85,644 45</u>

*A statement of the present condition of School, College and Seminary Fund.*

Amount of school fund on the 30th day of June, 1837	-	-	-	-	\$257,235 07
Amount received into the treasury on the 22d July, 1837	-	-	-	-	13,433 33
Amount received into the treasury on the 26th January, 1838	-	-	-	-	8,416 66
Amount of surplus revenue which was constituted a part of the school fund by an act of the Legislature, approved 25th February, 1837	-	-	-	-	335,592 32
	-	-	-	-	<u>\$614,677 38</u>
Amount of college fund on the 30th June, 1837	-	-	-	-	51,450 99
Amount received into the treasury on the 22d July, 1837	-	-	-	-	2,666 66
Amount received into the treasury on the 26th January, 1838	-	-	-	-	1,683 33
	-	-	-	-	<u>55,800 98</u>
Amount of seminary fund	-	-	-	-	<u>49,306 25</u>
Total amount of school, college, and seminary fund	-	-	-	-	<u>\$719,784 61</u>

There has been no school fund received from the General Government since the 26th day of January, 1838, and none received on account of the amount due for the years 1837 and 1838. What amount is now due, I am not in possession of the means of ascertaining; but as large quantities of the public lands have been sold within the two past years, the sum due the State must be considerable. About two weeks since, a patent was received from the General Government for eleven and one-half sections of seminary lands, to complete the quantity granted in lieu of the township surrendered by the act of 1831. There is yet due the State seven sections, to complete the quantity of seminary land granted by the act of Congress of 1818.

*A Statement of the amount drawn from the Treasury, on account of the Contingent Fund, from June 30, 1837, to December 1, 1838.*

Date.	To whom paid.	Amount.
1837.		
July 1	To warrants to William James, in full for 450 bushels of lime furnished for plastering lower rooms of the State house - - -	\$90 00
7	To warrants to John F. Maddox, in full for plastering two rooms of the State house for public offices - - -	24 25
8	To warrants to A. and H. Lee, in full for finishing the joiner work of one room in the State house for Supreme Court - - -	220 00
13	To warrants to John D. Whiteside, Treasurer, in full for his expenses in going to and returning from Springfield on official business -	21 00
	To warrants to John D. Whiteside, in full for carrying writs of election to the counties of St. Clair, Madison and Monroe. - - -	5 00
	To warrants to Winslow Pilcher, in full for cleaning out Senate chamber, and hall of the House Representatives - - -	25 00
	To warrants to S. M. Bartlett, in full for publishing Governor's proclamation, offering a reward for the apprehension of certain fugitives from justice, and proclamation concerning canal lands - - -	47 00
14	To warrants to S. H. Davis, in full for publishing Governor's proclamation and an act concerning trespasses on canal lands -	36 00
19	To warrants to William Hodge, in full for 500 copies "Free Press," containing the Governor's proclamation convening the Legislature, and also for work done in taking down and removing fixtures in Secretary's office -	31 00
21	To warrants to Enoch Luckey, in full for his expenses in arresting Johnson, Arheart, and Elliott, prisoners who escaped from the jail of Madison county - - -	15 00
	To warrants to Levin Lane, in full for his services as a messenger to the Governor of Indiana, to demand a fugitive from justice -	100 00
22	To warrants to Wm. Reaves, in full for his services as an express to the county of Adams, with a writ of election - - -	40 00
August 17	To warrants to Eleanor Hall, in full for 100 bushels lime, furnished for plastering rooms in the State house for the use of Treasurer and Clerk Supreme Court - - -	20 00

*Contingent Fund—Continued.*

Date.	To whom paid.	Amount.
1837.		
August 29	To warrants to A. Johnson, in full for finishing room in State house for use of the Treasurer	\$36 50
Sept. 2	To warrants to William Linn, in full for plank furnished for lathing rooms in State house for use of Treasurer and Supreme Court -	34 34
9	To warrants to W. Young, in full for plastering rooms in State house for Treasurer, &c. -	227 25
19	To warrants to Levi Davis, in full for expenses in going to Edwardsville and Belleville on official business - - - -	25 00
October 2	To warrants to Abner Johnson, in full for his services as a messenger to the acting Governor at Carmi - - - -	36 00
21	To warrants to L. O. Shrader, in full for his services as an express to certain counties with writs of election - - - -	140 00
	To warrants to George H. Norris, in full for publishing Governor's proclamation and act concerning trespasses on canal lands -	25 50
	To warrants to Brooks & Co. in full for publishing Governor's proclamation convening Legislature - - - -	5 00
	To warrants to Stout & Johnson, in full for binding laws and journals of Congress, &c. for Secretary's office - - - -	350 50
	To warrants to James M. Morsé, in part for his services as a messenger to the Executive of Arkansas, to demand a fugitive from justice	150 00
Nov. 11	To warrants to B. Buckmaster, in full for 1000 shingles for covering cupalo of State house	4 00
24	To warrants to W. L. Graves, in full for work done for Secretary's office - - - -	15 12
	To warrants to John Hogan & Co., in full for freight and storage on cannon, &c. -	57 10
	To warrants to L. Davis, in full for his expenses in going to Alton on official business -	20 00
12	To warrants to Franklin Witt, in full for his services in carrying delinquent lists to counties on the Military Tract - - - -	35 00
22	To warrants to A. Johnson and W. L. Graves, in full for work on cupola of State house -	69 40
25	To warrants to N. H. Ridgely, in full for procuring an engraving for canal bonds, and 550 impressions of the same - - - -	433 00
1838.		
Jan. 16	To warrants to Wm. Linn, in full for lumber furnished for cupalo of State house -	25 99



*Contingent Fund—Continued.*

Date.	To whom paid.	Amount.
1838.		
Jan. 29	To warrants to Doolittle and Munson, in full for State seal - - - -	\$55 00
April 16	To warrants to J. M. Morse, in full for his services and expenses in going as an express to the Lieut. and acting Governor at Carmi -	20 00
	To warrants to E. J. Rice, in full for going to Jacksonville, as an express to the Governor, by order of the Secretary of State -	18 00
26	To warrants to Johnson & Curlee, in full for door for Supreme Court room in State house -	16 00
July 2	To warrants to James M. Morse, in full for services and expenses in going as a messenger to the Governor of Arkansas to demand H. Brackin, a fugitive from justice -	250 00
August 8	To warrants to the Commissioners of Public Buildings, in full for allowance made by the Governor to aid in building the State house in Springfield - - - -	3,000 00
October 3	To warrants to J. M. Lucas, in full for publishing Governor's proclamation for the apprehension of Silas A. Rude and Jos. Evans, fugitives from justice - - - -	15 00
16	To warrants to McConnel, Ormsbee & Co., in full for freight paid by them on cannon belonging to the State - - - -	13 00
Nov. 3	To warrants to J. M. Morse, in part of his account for plastering legislative halls, as per contract made by order of the Governor -	300 00
	To warrants to T. B. Hickman, in part for work done on State house, as per contract -	300 00
6	To warrants to W. H. Olvey, in part for painting Senate chamber and hall House of Reps. -	30 00
13	To warrants to E. Capps, in full for paints furnished for painting Senate chamber and hall of the House of Representatives -	45 75
23	To warrants to T. B. Hickman, in full of his contract for work done on State house by order of the Governor - - - -	65 00
27	To warrants to W. H. Olvey, in full for painting Senate chamber and hall of the House of Representatives - - - -	34 00
28	To warrants to R. Goudy, in full for services and expenses as a messenger from the Governor at Jacksonville to Vandalia - -	40 00
	Total amount of the contingent fund - -	\$6,565 70

*A Statement of the amount to be apportioned to the several counties on the 1st day of January, 1839, from the interest on the School, College, and Seminary Fund, for the year 1838.*

Counties.	Amount.	Counties.	Amount.
Adams - -	\$1,150 79	Madison - -	\$1,342 65
Alexander - -	334 74	Morgan and Cass - -	3,098 03
Bond - -	611 11	Monroe - -	420 37
Clark - -	555 44	Montgomery - -	621 51
Cook - -	1,305 88	Marion - -	469 18
Crawford - -	576 75	Macon - -	501 83
Clinton - -	425 20	McLean - -	883 11
Coles - -	870 59	McDonough - -	475 52
Clay - -	236 29	Mercer - -	80 03
Champaign - -	172 35	Macoupin - -	904 65
Calhoun - -	170 49	Pope - -	594 81
Edgar - -	1,135 19	Pike - -	1,003 24
Edwards - -	326 07	Peoria - -	473 65
Effingham - -	181 94	Perry - -	368 81
Franklin - -	922 37	Putnam and Bureau - -	570 47
Fulton - -	960 71	Randolph - -	882 03
Fayette - -	619 05	Rock Island - -	87 37
Gallatin - -	1,240 08	Sangamon - -	2,881 46
Greene - -	2,038 79	Saint Clair - -	1,400 11
Hancock - -	523 92	Shelby - -	825 43
Hamilton - -	469 39	Schuyler - -	1,017 20
Iroquois - -	186 47	Tazewell - -	903 07
Johnson - -	362 56	Union - -	709 69
Jefferson - -	587 94	Vermilion - -	1,336 30
Jackson - -	463 60	Wabash - -	502 61
Jo Daviess - -	492 01	Warren - -	440 82
Jasper - -	70 41	White - -	1,003 06
Knox - -	392 40	Washington - -	510 68
Lawrence - -	707 55	Wayne - -	508 02
La Salle - -	665 73		
		Total	\$43,571 52

*An estimate of expenditures on the part of the State, for the years 1839 and 1840.*

Expenditures for 1839.						Amount.
The Judiciary	-	-	-	-	-	\$11,800 00
Secretary of State	-	-	-	-	-	1,100 00
Auditor of Public Accounts	-	-	-	-	-	2,400 00
State Treasurer	-	-	-	-	-	1,600 00
Attorney General	-	-	-	-	-	350 00
Circuit Attorneys	-	-	-	-	-	1,500 00
Special appropriations for various expenses	-	-	-	-	-	5,000 00
Interest on school, college, and seminary funds	-	-	-	-	-	43,571 52
General Assembly, including stationery for same, printing and distributing laws, and paper for same, &c.	-	-	-	-	-	80,000 00
The militia	-	-	-	-	-	870 00
Incidental expenses	-	-	-	-	-	1,500 00
Incidental expenses of the penitentiary, and salary of Inspectors	-	-	-	-	-	1,600 00
The Governor	-	-	-	-	-	1,000 00
Counties on Military tract	-	-	-	-	-	2,450 00
Wolf scalps	-	-	-	-	-	200 00
Contingent fund	-	-	-	-	-	4,000 00
Superintendent of Penitentiary	-	-	-	-	-	800 00
Total amount for 1839						\$159,741 52
Expenditures for 1840.						
The Judiciary	-	-	-	-	-	\$11,800 00
Secretary of State	-	-	-	-	-	1,100 00
Auditor of Public Accounts	-	-	-	-	-	2,400 00
State Treasurer	-	-	-	-	-	1,600 00
Attorney General	-	-	-	-	-	350 00
Circuit attorneys	-	-	-	-	-	1,500 00
Special appropriations for various expenses	-	-	-	-	-	5,000 00
Interest on school, college, and seminary funds, (say)	-	-	-	-	-	45,000 00
The militia	-	-	-	-	-	870 000
Incidental expenses	-	-	-	-	-	1,500 00
Incidental expenses of the Penitentiary, and salary of Inspectors	-	-	-	-	-	1,600 00
The Governor	-	-	-	-	-	1,000 00
Counties on the Military tract	-	-	-	-	-	2,450 00
Wolf scalps	-	-	-	-	-	200 00
Contingent fund	-	-	-	-	-	4,000 00
Superintendent of Penitentiary	-	-	-	-	-	800 00
Expenses of taking the census, (say)	-	-	-	-	-	10,000 00
Total amount for 1840						91,170 00
Add amount for 1839						159,741 52
Total estimate of expenditures for 1839 and 1840						\$250,911 52

The above estimates have been made with reference to the laws as they now exist. In the estimate of the expenses of the General Assembly, I have included every expenditure necessarily arising out of a session of the Legislature; and believe that my statement will not vary much from the true amount.



*A statement of the quantity of lands taxable in each county in the State for the years 1839 and 1840, and the amount paid into the county and State treasury for the year 1838.*

Counties.	Amount of lands taxable in 1839.	Amount of lands taxable in 1840.	Am't paid into the county treasuries for the year 1838.	Amount paid into the State treasury for the year 1838.
Alexander - -	34,237	35,096	\$328 53	\$157 30
Adams - -	352,851	357,260	1,764 37	3,813 93
Bond - -	53,193	54,593	658 24	118 03
Bureau - -	33,280	33,280	-	483 25
Coles - -	71,226	84,346	917 40	108 58
Clark - -	44,327	46,707	545 46	100 45
Clay - -	5,018	5,098	49 75	
Crawford - -	61,859	62,511	883 66	140 67
Cook - -	2,560	7,440	-	8 78
Calhoun - -	105,428	105,548	-	1,465 00
Cass - -	36,996	41,076	382 81	
Clinton - -	42,303	43,713	370 60	180 81
Champaign - -	19,730	26,326	235 44	
Effingham - -	2,360	2,732	14 40	
Edgar - -	110,459	116,499	1,323 04	226 09
Edwards - -	37,906	39,030	348 49	86 24
Franklin - -	22,593	23,033	262 65	52 79
Fulton - -	270,120	270,120	1,283 92	3,132 56
Fayette - -	26,456	27,436	287 17	62 61
Greene - -	178,736	203,776	2,294 15	472 15
Gallatin - -	152,626	154,266	251 18	147 70
Hancock - -	314,367	314,628	-	4,510 68
Henry - -	39,680	39,680	-	574 25
Hamilton - -	12,009	12,609	134 92	540 92
Iroquois - -	9,360	16,560	106 47	
Jackson - -	57,111	57,765	446 96	288 91
Jefferson - -	13,302	13,382	101 01	38 41
Johnson - -	19,364	20,524	125 05	83 38
Jasper - -	1,547	1,547	20 25	
Knox - -	261,880	261,880	-	3,758 94
Lawrence - -	78,720	80,820	946 09	176 25
La Salle - -	12,538	15,685	167 60	5 14
McLean - -	67,230	82,010	801 66	81 34
McDonough - -	251,440	251,749	701 73	3,263 76
Macoupin - -	64,607	112,469	535 93	26 45
Macon - -	41,455	49,751	545 61	5 14
Mercer - -	153,920	153,920	-	2,136 73
Monroe - -	103,821	105,138	777 93	291 47
Marion - -	6,400	6,440	43 86	
Madison - -	196,384	215,806	2,277 92	1,092 12

## TAXABLE LANDS—Continued.

Counties.	Amount of lands taxable in 1839.	Amount of lands taxable in 1840.	Am't paid into the county treasuries for the year 1838.	Amount paid into the State treasury for the year 1838.
Montgomery - -	33,556	36,816	\$394 66	\$13 91
Morgan - -	281,262	297,228	3,912 00	768 70
Putnam - -	199,071	204,965	-	2,796 19
Pope - -	28,970	29,530	430 47	65 64
Perry - -	20,898	22,468	256 35	27 64
Peoria - -	128,800	128,800	361 24	1,976 11
Pike - -	273,652	281,732	1,021 29	2,914 47
Randolph - -	116,165	117,716	1,424 85	1,005 88
Rock Island - -	2,891	48,44	73 01	65
Saint Clair - -	221,605	233,122	2,772 42	362 97
Shelby - -	47,488	55,288	494 37	72 10
Schuyler - -	220,938	223,104	836 86	3,363 02
Tazewell - -	85,140	99,840	1,015 10	
Union - -	45,848	46,331	624 66	93 72
Vermilion - -	154,586	163,226	2,092 93	229 41
Sangamon - -	335,097	364,332	4,683 78	475 63
Washington - -	19,158	20,213	175 82	70 37
Wabash - -	63,780	65,031	752 91	228 06
Warren - -	390,680	390,840	927 87	5,064 75
White - -	80,801	82,321	955 19	154 26
Wayne - -	35,778	36,102	276 31	181 58
Will - -	3,490	9,410	75 64	

In the foregoing statement of the amount of taxes paid into the county treasuries, a road tax, if any have been assessed, is not included, as I have no official knowledge of the same. I have endeavored, in this report, to furnish the General Assembly with such information as will enable them to act advisedly in relation to our revenue system. The period has arrived when an amendment of our revenue laws can no longer be postponed, without great injury to the State. The total amount of revenue, from taxes on lands under the present system, amounts to about \$46,000; and from the banks, for bonus and dividends on stock, to about \$21,500; making, in all, the sum of \$67,500. These are the only sources of revenue which the State possesses, except the school fund, which ought not to be regarded as a legitimate source of revenue. There is no probability that, under existing laws, the revenue of the State will increase. In the years 1835 and 1836, large quantities of land were entered, both by residents and non-residents, for purposes of speculation; and should these lands still remain in the hands of the original purchasers at the time when they become taxable, the State revenue would undoubtedly increase, (were there no causes operating to diminish the amount now received.) It is, however, a fact that the lands of non-residents are almost daily

passing into the hands of residents; and the decrease of revenue from this cause will counterbalance any accession which it might receive from the causes abovementioned. It may, therefore, safely be assumed that the revenue of the State, under existing laws, will not increase. On the 1st day of January next, the sum of \$43,571 52 must be paid, out of the State treasury, for the interest on the school, college, and seminary fund; and the expenses of the Legislature for the present session may be assumed (including all incidental expenses) at \$80,000. These two expenditures alone form the sum of 123,571 52, a sum nearly twice as large as the annual revenue of the State. From the estimates above submitted, there cannot be a doubt that there is an imperative necessity for a new and improved revenue system; and while it is believed that there is sufficient wisdom and intelligence in the present Legislature to frame a well regulated system of finance, and one which will yield a revenue adequate to all the wants of the State, it is, at the same time, believed that no labor will be spared on their part which may be necessary to frame such laws as will produce these desirable results. Any further information which the Legislature may desire (in my power to give,) or any suggestion which my experience in the situation which I have for several years past held, may enable me to afford, either in the principles or details of a revenue system, will be most cheerfully given. The foregoing remarks are submitted with all deference to the wisdom of the Legislature, and in accordance with what I conceive to be my duty.

LEVI DAVIS,

*Auditor of Public Accounts.*





# REPORT

OF THE

TREASURER OF THE STATE OF ILLINOIS

TO

THE GENERAL ASSEMBLY,

DECEMBER, 1838.

---

TREASURER'S OFFICE,  
*Vandalia, Illinois, December 11, 1839.*

SIR: In compliance with the law requiring a report from the Treasurer, I have the honor to submit to the General Assembly the following statement, showing the amount received at the Treasury, monthly, from the various sources of revenue, from the 1st day of July, 1837, to the 30th day of November, 1838, inclusive; also, the amount deposited in the State Bank and Branches, old State paper burned, &c. All of which is respectfully submitted.

I am, very respectfully,

Your obedient servant,

JOHN D. WHITESIDE,

*Treasurer.*

To the Hon. the SPEAKER of the Senate,

### TREASURER'S REPORT.

*The Treasurer in account with the State of Illinois, from the 1st day of July, 1837, to the 30th day of November, 1838, inclusive.*

[illegible]



CR. BY AMOUNT DEPOSITED IN THE STATE BANK OF ILLINOIS AND BRANCHES--OLD STATE PAPER BURNED, &c.

	Certificates of Deposit, (in Bank)	-	-	-	\$17,027 39
July	Certificates of Deposit -	-	-	-	4,887 15
August	Certificates of Deposit -	-	-	-	518 80
September	Amount of interest on old State paper	-	-	-	17 60
October	Certificates of Deposit -	-	-	-	852 69
November	Certificates of Deposit -	-	-	-	24 72
December	Certificates of Deposit -	-	-	-	17,410 12
1838.	Interest on old State Bank paper	-	-	-	7 38
January	Certificates of Deposit -	-	-	-	17,726 17
February	Certificates of Deposit -	-	-	-	368 75
March	Interest on old State Bank paper	-	-	-	64
April	Certificates of Deposit -	-	-	-	25,855 12
May	State Bank paper burned	-	-	-	22,921 83
June	Certificates of Deposit -	-	-	-	96 00
July	Certificates of Deposit -	-	-	-	1,317 28
August	Certificates of Deposit -	-	-	-	1,685 32
September	Certificates of Deposit -	-	-	-	477 15
October	Interest on old State Bank paper	-	-	-	7 59
November	Certificates of Deposit -	-	-	-	14,829 97
	Interest on old State Bank paper	-	-	-	56 43
	Certificates of Deposit -	-	-	-	232 00
	Certificates of Deposit -	-	-	-	4 80
	Old State Bank paper burned	-	-	-	172 00
	Certificates of Deposit -	-	-	-	1,105 79
		-	-	-	127,072 69



## INDEX TO LAWS.

---

### A.

	PAGE.
Appeal bonds and trial of appeals, laws amended	291
Appropriations, partial	40
to penitentiary	46
to State house	47
to Clinton county, changed	76
to Lawrence county, changed	86
to enclose graves of deceased officers	88
to navigation of Embarrass river	97
for years 1839 and 1840	113 to 117
to Champaign county, proceeds of saline lands	137
to Iroquois, changed to Champaign county	137
to State library	149
Asylum, Deaf and Dumb	162
location of	163
duty of Auditor	164
Attorney General	142
late, settlement of accounts of	272
Auditor, duties under revenue law	3
to Illinois Asylum	164
to issue warrant for redemption money	19
to proceed against collectors in cases of failure	21
duty relative to late warden of penitentiary	46
warrants of, interest on	145

### B.

Bank of Illinois, additional branches of	272
directors, Governor to appoint	233
notes, less than five dollars	79
plea against, good	80
Bridges over Little Wabash river	70
time given Sullivan and Greene	70



	PAGE.
Bridges, time given Tolér, Farmer, and McDaniel	70
certain, in Knox county	99
across Des Plaines river	132
across Big Vermilion river	137
across Little Vermilion river	137
across North fork of Big Vermilion river	137
G. W. Smith, across Des Plaines river	132
across Sangamon river	137
across Fox river at Ottawa	147
commissioners of La Salle	
county may purchase	146
Narcisse Pensaneau, across Kaskaskia river	237
in Clay county	288
across Winnebago swamp, (H. W. Cleaveland, toll)	140
county commissioners may	
purchase	141
C.	
Canal, Illinois and Michigan, settling accounts of	42
laws relating to, amended	177
powers of commissioners extended	179
lands, sale of certain	41
further provision for sale of	157
improvements on	158
protection of, against trespassers	165
duty of agents on	166
dedication of lots to public purposes	196
water-lots and privileges on	150
leases on	151
houses erected on	152
Carriages, public	183
drunken drivers to be discharged	184
hackney coaches	185
Chancery, mode of proceeding in	50
Circuits, judicial, State divided into	155
City, Chicago, school lands in block thirty	160
Galena	25
College, Union, of Illinois, act amended	150
Commissioners of Board of Public Works, term of office	97
Committees of General Assembly may swear witnesses	39
Contractors on public works, settlement with relatives of deceased	98
Corporations, process against	160
County, Boone, bounds of, defined	242
Brown, out of Schuyler	52
commissioners to locate county seat of	53
school moneys of	55
Bond, commissioners to loan funds	76
Bureau, act creating, amended	228

# INDEX.

III

	PAGE.
County, Carroll, organized	160
county buildings	160
Cass, location of county seat of	287
Dane, established	104
part of Shelby county attached to	188
county seat of	105
supplement to	205
De Kalb, relocation of county seat of	243
courts, where held	244
De Witt, formation of	199
attached to eighth circuit	200
school fund of	201
Du Page, created	73
attached to seventh circuit	74
county seat of	74
Hardin, established	234
county seat of	235
courts, where held	236
Iroquois, relocation of county seat	185
commissioners to report	186
Jersey, established	208
attached to first circuit	209
county seat of	210
Johnson, records of	84
Lake, formed	216
attached to seventh circuit	217
Lee, created	170
county seat of	171
election of officers	172
Livingston, relocation of county seat	217
Logan, established	104
county seat of	106
supplement to	205
Macon, act in relation to	265
Madison, records of	130
relief of trustees of schools in	148
Marshall, established	43
county seat of	43
attached to sixth circuit	44
range one added to	241
Menard, established	104
county seat of	105
supplement to	205
Mercer, county seat of	188
Ogle, part of	162
Peoria, commissioners to lease offices	119
Putnam, range one added to	241
Scott, created	126
representation of	127

	PAGE.
County, Scott, county seat of	128
school fund of	129
Stark, formation of	229
boundaries established	230
Whiteside, county seat of	143
donations for	144
Williamson, established	110
duty of school commissioner of	111
county seat of	112
County commissioners, duties of	270
Courts, time of holding, in first circuit	250
in second circuit	103
in third circuit	289
in fifth circuit	278
in sixth circuit	250
in seventh circuit	250
in eight circuit	250
in ninth circuit	250
Supreme, summer terms	142, 252
county commissioners', to recover certain moneys	119
Creeks, Manvaise-terre, navigable	122
Mill and Big, navigable	123

## D.

Davidson, William H., appropriation to	71
Deeds of sheriffs, for lands sold for taxes	17
evidence of facts	18
duplicate	20
Divorce, Julia Ann Hull	79

## E.

Education in township five south, six east, act repealed	50
Elections, act regulating	109
betting on, prohibited	109
judges of, in Coles and other counties	120
Ejectment, law in relation to actions of	220
avermert of plaintiff	221
court to grant order	222
consent rule abolished	223
writ of possession	224
court may vacate judgment	225
new trial	225
action for dower	227
laws repealed	228
Evidence, sheriffs' deeds	18
records of clerks	19
in certain cases	196
regulating	266



# INDEX.

v

## F.

	PAGE.
Fees of officers under revenue law	22
Ferries at Wilcox's and William Parker's	57
P. and H. M. Jarboe, across Illinois river	100
on school lands	120
duty of school commissioners	121
A. and S. S. Phelps, at Oquawka	131
A. Doolittle, across Mississippi river	159
St. Clair county, across Mississippi river	175
forfeiture of right	176
Edward White, across the Mississippi river	195
N. G. Wilcox and others, opposite Bloomington	202
Joshua Vandruff, across Rock river	268
George W. Jones, across Mississippi river	270
G. W. Brinckerhoof, across Rock river	284
Filley, Watson James, name of, changed	78

## G.

Galena, city of	25
boundaries	25
annual election	26
vacancies, how filled	27
special meetings	27
mayor's power in case of riot	28
a justice peace	28
salary of	28
quorum	28
theatres in	29
lotteries in	30
records of	31
may erect bridges	32
public, free	32
schools	33
assessors, how appointed	33
salaries and fees	33
marshal of	34
fees	34
ordinances of	34
wisdom of	34
imprisonment in	35
appeal	35
roads in	36
this act to be accepted by inhabitants	36
Garnishees	86
act to amend act in relation to	245
General Assembly, manner of petitioning, defined	167
Groceries. See License.	

## H.

Heacock, Russell E., plat of school land vacated	80
Hull, Julia Ann. See Divorce.	

## I.

Illinois Asylum for deaf and dumb	162
Improvement, internal, general system of	89
duty of Fund Commissioners	91
regular meeting of Board	94
duty of principal engineer	95
Board to construct railroads in Indiana	96
part of act repealed	97
in Pike county, supplemental to	283
Inspector, Brigade, compensation to	189
penitentiary. See Penitentiary.	

## J.

Jackson, William M.	48
Judgments and executions	56
Justices' districts in Greene county	51
Peoria county	211
Randolph county	72
Justices and constables' districts in the town of Manchester	130
of the peace and constables, election of	41
in Naples and Meredosia	55
act concerning	87

## K.

Knox county revenue. See Revenue, public	
--	--

## L.

Lands belonging to infants, how and when redeemed	16
when sold to State how redeemed	16
titles to, confirmed	166
public, extent of possession on	124
Laws, reprinting of certain, of this State	290
Library, State	149
License, tavern and grocery	71
Loans, commissioners of certain counties to effect	110
for canal purposes	41, 168
act supplemental to	258
of money authorized	219
duty of Auditor and Treasurer	
under that law	220
Lottery to drain American bottom	56

# INDEX.

PAGE.

## M.

Marriages, act to amend act concerning	-	-	277
Mill-dams, J. T. Gifford & S. J. Kimball, across Fox river			108
R. & S. L. Haines, across Mackinaw river	-		108
Baker and Mills	-		117
Ezra Baker, jr., further time allowed	-		131
L. D. Hillerman, across Little Wabash river	-		169
J. A. McClanahan and others	-		197
Hillon and Mason, across Big Muddy	-		203
D. F. Hitt, across Illinois river	-		236
H. Porter and E. Gholson	-		291
Mortgages, release and extinction of	-		197

## N.

Notaries public, Naples	-	-	55
in Morgan county	-	-	55
Greene	-	-	55
Pike	-	-	55
Chester, in Randolph	-	-	55
Hamburg, in Calhoun	-	-	55
Virginia, in Cass	-	-	55
towns in Will	-	-	55
Chicago	-	-	55
Alton	-	-	55
Hancock	-	-	88
provision for appointment of	-	-	148

## O.

Officers, deceased. See Appropriations.			
Offices, public, removal of	-	-	141
Governor to issue proclamation	-		142

## P.

Penitentiary, appropriation to	-	-	46
relief of late warden of	-	-	46
act in relation to	-	-	278
list of convicts in	-	-	279
spirituous liquors not allowed to convicts	-		281
Petitioning General Assembly, manner of, defined	-		167
Peoria county, assessment of property in	-		38
sheriff of, Governor to commission	-		40
commissioners of, to lease certain offices	-		119
to change State roads	-		131



	PAGE.
Plats of towns vacated, Peru	48
Middletown	145
Auburn	176
school lands	80
Poor, relief of	138
house	139
agent of	139
Possession, extent of, on public lands	124
Practice in courts of law, act amended	271
Process issued by justices of probate legalized	39
against corporations	160
Property, right of, mode of trying	193
act to amend	206
in warehouses, how disposed of	283
Public lands, possession of	47
improvements on	48
money, place of deposite of	212
revenue	3
of Knox	125

## R.

Railroads in Indiana	96
termination of Central	99
Randolph county, commissioners to change roads	101
Records of Johnson county	84
Madison county	130
Redemption of lands. See Lands.	
Relief and benefit, N. Pope and others	37
securities of T. Moore	39
Jefferson county	252
A. Cochran and others	256
counties therein named	261
A. McPhail and T. C. Kirkman	272
William Hick and Timothy Guard	274
purchasers canal lots and lands	276
Archer, Hubbard, and Thornton	277
Joseph L. Reynolds	285
John McMennaway	286
of the poor	138
late warden of Penitentiary	46
Robert Davis and others	52
heirs of John Thompson	75
Mary Evans	80
inhabitants of town. two, in Wayne county	85
Judge of sixth circuit	102
trustees of schools in Madison county	148
John W. Spencer and David B. Sears	189
Calhoun county	198
John Winstanly and Hugh Duffy	236
Henry county	243

	PAGE.
Replevin, action of, regulated	77
Resolutions, joint	293 to 300
Revenue, public	3
county commissioners to appoint assessors	4
duty of assessors	4
clerks	4
appeals from valuation, how made	7
collector to execute bond	8
where filed	8
amount to be levied	9
lien on land for taxes	9
personal property may be sold for taxes	10
what money receivable for	10
collector to pay over by March	11
certificate of clerk to Auditor	12
form of collector's report to circuit court	12
notice of application to circuit court for judgment	13
suit for taxes	13
form of order on judgment	14
sheriffs to sell lands	14
lands sold to State	15
sheriff to pay into State treasury	16
of Knox county	125
Right of way	118
River, Big Muddy, improvement of	99
declared navigable	308
Vermilion, improvement of	286
Des Plaines, declared navigable	208
Embarrass, improvement of	97
Fox, in Clay county, declared navigable	208
Fox, in White county, declared navigable	150
Spoon, improvement of	285
Wabash, improvement of	285
Wabash, Little, improvement of	285
Roads, Albion to Maysville	203
Alexander county	100, 253
Andover, via Clearland, to Mississippi river	67
Appanoose, via Lahart, to Mississippi river	65
to Drowning fork of Crooked creek	238
Atlas to Pleasant Vale	69
Aurora to Mineral Point	64
Baker's mill to Charleston	69
Maysville	288
Belleville to Brownsville	271
Beardstown to Des Moines river	51
Manchester	101
Mount Sterling, vacated	65
Beverly to point west of Perry	64
B. Sowards, in Montgomery county	69
Big creek, via Brown's mills, to Redmond's	62

	PAGE.
Roads, Bloomington to Lexington - - -	240
Carlinville to Greenville, revived - - -	60
Meacham's ferry - - -	60
Carrollton - - -	61
Jacksonville, changed - - -	65
Carmi to Grayville - - -	64
Calhoun to Schuyler, part of, relocated - - -	157
Caulkin's to Coulter's - - -	69
certain, in Edgar - - -	173
legalizing survey of - - -	45
in Morgan changed - - -	49
Wabash and Lawrence - - -	147
Chicago, via Half-day, to McHenry - - -	63
to south line of Wisconsin Territory - - -	192
Charleston to J. Keller's - - -	260
Springfield, part of, vacated - - -	70
Shelbyville - - -	70
Clayton, via Houston and Chili, to Rushville and Warsaw road - - -	62
in Clinton county - - -	57
Columbus to Chambersburg - - -	66
Chrystalville to Mineral Point - - -	64
Danville to State line - - -	58
Darwin to New Richmond, vacated - - -	69
Dixon's ferry to Linder - - -	64
Decatur to Bloomington - - -	66
Douglas to Carlinville, vacated - - -	69
Edgar, act amended, relating to - - -	58
to Grand View - - -	58
Enterprise to C. B. Harleys - - -	63
Equality to Vienna - - -	172
part of, changed - - -	187
Fairfield to Maysville - - -	56
Farmington, via Rochester, to Richmond - - -	62
to Monmouth - - -	66
Fayette county - - -	212
Ford's ferry to Jacksonville - - -	65
Four-mile prairie to Louisville - - -	59
Fox river to Dixon's ferry - - -	249
Frankfort to Wilcox's ferry - - -	57
Franklin county - - -	87
Franklin and Union counties - - -	206
Galena to Prophetstown - - -	61
Gallatin to Jonesborough - - -	56
Golconda to Pinckneyville - - -	57
Grand Turn, below Marshall, to Crawford county line - - -	69
Grand View and Terre Haute, part of, changed - - -	137
Greene county - - -	257
Griggsville to Mississippi - - -	204
Hennepin to Victoria - - -	68



	PAGE.
Roads, Hillsboro to Alton	65
Husband's to Douglass	60
Indiana line to Mineral Point	290
Illinois river to Canton	174
Indiana line to Ottawa	68
Jackson Grove to Lewistown	191
Jacksonville to Springfield	136
Jameson's ferry to Cape Girardeau	255
Joseph Huey's to northeast corner of Fayette	256
Jonesboro to W. T. Ryburn's in Franklin county	124
Juliet, via Norman's, to Indiana State line	62
Knoxville, via Galesburgh, to New Boston	63
Kishwaukee to Freeport	66
La Salle, via Troy Grove, to State line	64
Lexington, via Virginia, to Matanzas	61
Louisville to Charleston	59
Mount Carmel	59
J. Onslott's	70
Macomb to Mississippi river, opposite Burlington	62
Maysville to Shelbyville	68
McLean county	268
McLean and Tazewell counties	243
McLeansborough to Mount Vernon	57
Meredosia to Mount Sterling	65
Middle fork of Big Muddy to Maulding's mills	194
Monmouth to Illinois city	183
Mount Vernon to Fairfield	207
Morgan county, changed	83
Mount Carmel to Maysville, relocated	134
Mount Vernon to Nashville, part of relocated	202
Mount Sterling to Macomb, located	153
Liberty	63
via La Grange, Arnez's mills, and Princeton, to Springfield	187
Naperville to Indian creek	125
Warrenville, changed	155
Naples to Bloomfield	68
Nashville to Belleville	248
New Albany to Genesee, in Henry county	61
New Boston to Richmond	62
Newton to Louisville, in Clay county	59
Orender's to Nelson's, changed	59
Palestine to Shelbyville	58
Vandalia	59
Parker's ferry, via Vienna, to Brownsville	57
Peoria to Stephenson, changed	131
Peoria to Knoxville, part of, changed	153

	PAGE.
Roads, Peoria and Knox counties	263
to Burlington	66
Knoxville	79
Phillips' ferry, in Morgan county, part changed	156
Pope's creek, via Edwards river, to Stephenson	61
public, in Schuyler county	289
Quincy to Mount Sterling	66
Phillips' ferry	63
Macomb	218
Rockport to Savannah	68
Randolph county	101
Rock Island to Savannah, vacated	64
Rushville to Pittsfield	190
Carthage	63
Quincy	65
Salem to Pinckneyville	249
Charleston	68
line of Clay county	59
Shelbyville to Danville	58
Chicago	68
Danville	70
Decatur	190
Hillsboro	275
Slocum's mill to Maysville	59
Springfield to Macomb	67
Decatur, relocated	154
St. Clair county, how changed	201
Stephenson to the mouth of Pickatonica	75
Tremont to Washington	60
Dillon	61
Thornton to Lockport	123
Upper Alton to Greenville	60
Union Grove to Fulton City	64
Dixon's ferry	64
Union Prairie to Bartlett's land	69
Vandalia to Carlyle	59
Salem	122
Springfield	67
Vienna to Equality, repealed	255
Vincennes to Chicago, via Russelville	170
Warsaw to Quincy	158
Canton	67
Wabash to Shelbyville, by R. Logan's, senior	195
Waynesville to Bloomington	60
Whitehall, via Simmon's ford to Jacksonville	61
Wesley City to Springfield, part of, relocated	246
Wilmington via Joshua Hanks'	248

# INDEX.

XIII

PAGE.

Roads, Winchester to Wilmington	-	-	247
Winnebago to Will county line	-	-	64

## S.

Salaries, Commissioners of Public Works	-	-	93
Governor	-	-	211
Judges Supreme Court	-	-	102
Salines, Bond county, sale of, authorized	-	-	213
lands, money arising from, appropriated to Marion	-	-	
county, how appropriated	-	-	273
Schools, common, in Chicago	-	-	215
inspectors of	-	-	216
fund in Wabash county	-	-	233
township thirteen north, range 8 west	-	-	273
lands, sixteenth section in Knox county	-	-	102
in Chicago, sub-division of block 30	-	-	160
sale of, regulated	-	-	190
when patent of, is lost, duplicate may issue	-	-	192
in Edwards county, sale of	-	-	192
duty of school com'rs	-	-	204
in Vermilion county	-	-	232
series on	-	-	120
duty of commissioner	-	-	121
trustees of township seven north, range seven	-	-	
east, to revalue sixteenth section	-	-	149
Secretary of State, duty of	-	-	23
Sheriffs, conveying convicts to penitentiary	-	-	274
Peoria county, Governor to commission	-	-	40
Schuyler county, Governor to commission	-	-	277
and coroners, law in relation to, amended	-	-	217
Silk, culture of	-	-	212
premium for	-	-	213
Simpson, John, acts of, legalized	-	-	75
Societies, religious, act in relation to, amended	-	-	267
State-house, appropriation to	-	-	47
Supreme Court. See Courts.	-	-	
Surveys therein named	-	-	242
of the town of Carthage	-	-	118

## T.

Taverns and groceries. See License.	-	-	
Tax, special, in Madison county	-	-	265
Tobacco, inspection of	-	-	283



	PAGE.
Towns, Auburn, plat of, vacated	176
Augusta, name of, changed	119
Bloomington	284
Carthage, survey of	118
Caledonia, plat of, vacated	239
Charleston, name of, changed	73
Fairfield, in Adams county, name of, changed	81
Florence, in White county, name of, changed	273
Geneva, name of, changed	40
Hudson	49
Hudsonville, sale of property in	239
trustees of, to make deeds	240
Knoxville, Heaton's addition to	49
Leesburg, named of, changed	156
Liberty, powers of, increased	133
Lockport, part of Archer's addition altered	260
Lynnville, act concerning	132
Mechanicsburg, name of, changed	126
Middletown, plat of, vacated	145
Monmouth, block 41 in, vacated	103
Moscow, in Wayne county, act concerning	268
Naples, act concerning	246
Peoria, Garritt's addition to, vacated	49
Peru, plat of, vacated	48
resurvey of	269
Rome, plat of, vacated	239
Savannah, in Irquois county, plat vacated	73
Savannah, in Warren county, name of, changed	119
Springfield, act in relation to	104
Stephenson, additional lots in	78
Tremont, certain alleys in, vacated	284
Upper Alton, act to incorporate, repealed	245
Vienna, in Fulton county, name of, changed	52
Trespass by cutting timber	42
on Cumberland road	245
Turnpike, Charleston to Darwin	229

## U.

Union College of Illinois, act amended	150
--	-----

## V.

Vandalia, public property in, disposed of	134
Venue, change of, act to amend act in relation to	198

## W.

Water-lots and privileges on Illinois and Michigan canal	-	150
Warrants, Auditor's, interest on	- - -	145
Wills, probate of, in certain cases	- - -	259
Witnesses, sworn by committees of General Assembly	-	39
Works, public, Board of Commissioners, term of office of	-	97
facilities to procure laborers on	- -	98

---

STATE OF ILLINOIS,

*Office of Secretary of State.*

I, Alexander P. Field, Secretary of State of the State of Illinois, do hereby certify the foregoing to be true and perfect copies of the Enrolled Laws and Resolutions deposited in this office.

In testimony whereof, I have hereunto subscribed my name, at Vandalia, 14th March, 1839.

A. P. FIELD,

*Secretary of State.*

